

Washington, Saturday, December 13, 1941

Rules, Regulations, Orders

TITLE 6-AGRICULTURAL CREDIT

CHAPTER I-FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 331]

PART 3-FUNCTIONS OF ADMINISTRATIVE OFFICES

AUTHORITY OF SPECIAL FIELD REPRESENTA-TIVE OF THE FARM CREDIT ADMINISTRATION IN THE TERRITORY OF HAWAII

DECEMBER 11, 1941.

Title 6, Code of Federal Regulations, is amended by adding the following new

§ 3.71-50 Authority of special field representative of the Farm Credit Administration in the Territory of Hawaii. I hereby delegate to Chester Arthur Woolard, Special Field Representative of the Farm Credit Administration in the Territory of Hawaii, such of the powers granted to me under the Federal Credit Union Act, as amended (Title 12 U.S.C. 1751 et seq.) as may be necessary to safeguard properly the interests of Federal credit unions in the Territory of Hawaii, and the interests of their members as such, and to supervise properly such Federal credit unions in the best interests of the United States of America.

The powers so delegated shall continue in effect for the duration of the present war emergency or until revoked.

The provisions hereinbefore set forth shall not operate to limit or restrict the Governor of the Farm Credit Administration in the execution and performance (in Washington or elsewhere) of any functions, powers, authority, or duties vested in him. (Sec. 16, 48 Stat. 1221; 12 U.S.C. 1766)

[SEAL]

A. G. BLACK. Governor.

[F. R. Doc. 41-9371; Filed, December 12, 1941; 11:47 a. m.]

TITLE 7-AGRICULTURE

[MQ-603-Cotton]

CHAPTER VII-AGRICULTURAL AD-JUSTMENT ADMINISTRATION

PART 722-COTTON

SUBPART D-1942

Regulations Pertaining to Cotton Marketing Quotas for the 1942-1943 Marketing Year

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31, 7 U.S.C. 1301 et seq.), as amended, public notice is hereby given of the following regulations governing cotton marketing quotas for the 1942-1943 marketing year, which regulations shall be in force and effect until rescinded or suspended, or amended or superseded by regulations hereafter made under said act.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General and the Public Printer

of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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of forms and instructions. The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations. Copies of such forms and necessary instructions shall be furnished free to persons needing them upon request made to the office of the appropriate county committee or the Administrator of the Agricultural Adjustment Administration.

(b) Definitions. As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(1) Act. The Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(2) Secretary of Agriculture. The Secretary or Acting Secretary of Agriculture of the United States.

(3) Administrator. The Administrator or Acting Administrator of the Agricultural Adjustment Administration of the United States Department of Agri-

(4) Regional Director. The director or acting director of the division of the

¹Unless otherwise indicated, all references in the text to sections relate to these regulations. All section references at the end of paragraphs are to sections of the Agricultural Adjustment Act of 1938, as amended (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Sat. 31, 7 U.S.C. 1301

Agricultural Adjustment Administration in charge of the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (hereinafter referred to as the Soil Conversation and Domestic Allotment Act), in the region.

(5) Southern Region. The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(6) East Central Region. The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(7) Western Region. The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(8) North Central Region. The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(9) State committee. The group of persons designated within any State to assist in the administration of the Soil Conservation and Domestic Allotment

(10) Committee. A committee, within and for a county or community, utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(11) Review committee. The review committee appointed by the Secretary of Agriculture as provided in section 363 of the act.

(12) Person. An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or State or agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(13) Owner or landlord. A person who owns farm land and rents such land to another person or who operates such land.

(14) Cash tenant, standing-rent tenant, fixed-rent tenant. A person who rents land from another for a fixed amount of cash or a commodity to be

paid as rent.

(15) Share tenant. A person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(16) Sharecropper. A person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(17) Operator. A person who as a landlord or cash tenant or standing or fixed-rent tenant is operating a farm or who as a share tenant is operating a

whole farm.

(18) Producer or farmer. A person who is entitled to a proportionate share of the cotton crop, or the proceeds thereof, produced on the farm in 1942, as owner, landlord, cash tenant, standingrent tenant, fixed-rent tenant, share tenant, or sharecropper. The term "producer" or "farmer" also includes a wage hand (or cropper) who as a laborer on a farm instead of receiving daily or other cash wages for his labor receives either all the cotton produced by him or another on an agreed or specified acreage or all the cotton produced on an agreed or specified portion of the acreage cultivated by him or another.

(19) Buyer. A person who buys cotton

from a producer.

(20) Transferee. A person who receives cotton from a producer by barter or exchange or gift inter vivos.

(21) Ginner. A person who gins cot-

ton.

- (22) Treasurer of the county committee. The treasurer of the county agricultural conservation association or the treasurer of the county committee, as the case may be.
- (23) Farm. All adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:
- (i) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and
- (ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.
- A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.
- (24) Farm marketing quota. A cotton marketing quota established for a farm under section 346 (a) of the act.
- (25) Producer marketing quota. A producer's share of a farm marketing quota.
- (26) Farm acreage allotment. A cotton acreage allotment established for a farm under § 722.415 or § 722.416.
- (27) Normal yield. The number of pounds of lint cotton established as the normal yield per acre for the farm in accordance with § 722.417.
- (28) Actual production. The actual average yield per acre of lint cotton for

the farm for 1942 times any number of acres.

(29) Normal production. The normal yield per acre of lint cotton for the farm times any number of acres.

(30) Cotton. Any cotton other than

long staple cotton.

(31) Long staple cotton. Cotton the staple of which is 1½ inches or more in length.

(32) Lint cotton. The fiber taken from seed cotton by ginning.

(33) Seed cotton. The harvested fruit of the cotton plant before it is ginned.

(34) Ginning. Separating lint cotton from the seed.

(35) Market. To dispose of cotton in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or

exchange or gift inter vivos.

(ii) The terms "barter"

(ii) The terms "barter" and "exchange" mean transfer of title to cotton by a producer to another in return for cotton or any other commodity, service, or property in cases where the value of the cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(36) Marketing year. The period beginning on August 1, 1942, and ending with July 31, 1943, both dates inclusive.

(37) Penalty. The penalty provided

in section 348 of the act.

(38) State and county code number. The applicable number assigned by the Agricultural Adjustment Administration to each county for the purpose of identification.

(39) Serial number of the farm or farm serial number. The serial number assigned to a farm.

(40) Gin bale number or mark. The number on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(41) Underplanted farm. A farm on which the acreage planted to cotton in 1942 is not in excess of the farm acreage allotment established therefor,

(42) Overplanted farm. A farm on which the acreage planted to cotton in 1942 is in excess of the farm acreage allotment established therefor.

(43) Carry-over penalty cotton. The amount of unmarketed cotton from any previous crop which the producer thereof has on hand which, if marketed during

the 1941–1942 marketing year, would have been subject to the penalty.

(44) Carry-over penalty free cotton. The amount of unmarketed cotton from any previous crop which the producer thereof has on hand which, if marketed during the 1941-1942 marketing year, would not have been subject to the penalty. [Sec. 375, 52 Stat. 66]

ALLOTMENTS AND YIELDS

§ 722.412 National baleage allotment. The national allotment of cotton for the calendar year beginning January 1, 1942, is 10,000,000 standard bales of 500 pounds gross weight, increased by that number of standard bales of 500 pounds gross weight equal to the production in 1942 of that number of acres required to be allotted for 1942 as set forth in § 722.413 (c), relating to minimum State acreage allotments, and in § 722.414 (a), relating to minimum county acreage allotments. The production in 1942 of the acreage allotment referred to in § 722.413 (e), relating to a special fund of acreage allotments consisting of four percent of the State acreage allotment, and in § 722.413 (f), relating to minimum farm acreage allotments, shall be in addition to such national allotment. [Sec. 343 (a), (b), and (c), 52 Stat. 56, as amended by 53 Stat.

§ 722.413 State baleage allotments and State acreage allotments. (a) State baleage allotment. Ten million standard bales of the national baleage allotment of cotton for the calendar year 1942 shall be apportioned among the several States on the basis of the average of the normal production of cotton in each State for the five years 1936 to 1940. The normal production of a State for each such year shall be (1) the quantity of cotton produced therein in such year plus (2) the normal production of the acres diverted from the production of cotton in all counties in the State under the agricultural adjustment or conservation program in such year. The normal production of the acres diverted from the production of cotton in any county in any year shall be the average yield per acre of the acres planted to cotton in such country in such year times the number of acres so diverted in such county in such year. [Sec. 344 (a), 52

(b) State acreage allotment. A State acreage allotment shall be established for each State to which an allotment is made under paragraph (a). The State acreage allotment shall be that number of acres equal to the result obtained by dividing the number of standard bales allotted to the State under paragraph (a) by the average yield per acre for the State expressed in standard bales. The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the first five years 1936 to 1940 and the average, for the same period, of the acres diverted from the production

of cotton in the State under the agricultural adjustment or conservation programs and the acres planted to cotton. [Sec. 344 (b), 52 Stat. 57]

(c) Minimum State acreage allotment. Notwithstanding the foregoing provisions of this section, the State acreage allotment for any State which is less than 5,000 acres shall be increased to 5,000 acres if at least 3,500 bales of cotton were produced in such State in any of the five years 1937 to 1941. [Sec. 344 (e) (2), 52 Stat. 58]

(d) State acreage reserve for new farms. An acreage not greater than one percent of the State acreage allotment shall be made available for apportionment to farms in the State on which cotton was not planted in any one of the three years 1939, 1940, and 1941. [Sec. 344 (c) (2), 52 Stat. 57]

(e) Special State acreage allotment of four percent of State acreage allotment. In addition to the State acreage allotment, a special State acreage allotment (hereinafter referred to as the "four-percent State reserve") equal to four percent of the State acreage allotment shall be established for each State for apportionment as set forth in § 722.415 (a), (b), (d), (e), and (f). [Sec. 344 (g), 52 Stat. 2031

(f) Increases to provide for minimum farm acreage allotments. There shall be available in each State for allotment to farms that number of acres equal to the total amount by which farm acreage allotments in the State are increased as set forth in Sec. 722.415 (h), relating to certain minimum and maximum farm acreage allotments. This increase shall be in addition to the State acreage allotment and the four-percent State reserve. [Sec. 344 (h), 52 Stat. 57, 203, and 586, and 53 Stat. 512, 8531

§ 722.414 County acreage allotments-(a) Regular county acreage allot-The State acreage allotment (less that part set aside under § 722.413 (d) for apportionment to new farms) shall be apportioned among the counties in the State on the basis of the sum of (1) the acreage therein planted to cotton during the five years 1936 to 1940 and (2), in the applicable years, the acreage therein diverted from the production of cotton under agricultural adjustment and conservation programs, with adjustments for abnormal weather conditions and trends in acreage during such five-year period. The acreage allotment for each county to which an allotment is so apportioned shall be increased by the number of acres, if any, required to provide an acreage allotment for each such county of not less than 60 percent of the sum of (1) the acreage therein planted to cotton in 1937 and (2) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program. [Sec. 344 (c) (1), Sec. 344 (e) (1), 52 Stat. 57 and 58]

(b) Administrative areas. If in any county there are one or more areas which, because of difference in types, kinds, and

productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, each such area shall, in accordance with applicable instructions, be designated by the county committee as an administrative area, and the county acreage allotment shall be apportioned among such areas (1) on the basis of the acreage in each such area planted to cotton in 1937 plus the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program or (2), if conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937. on the basis of the cotton base acreage in each such area which was or could have been established in 1937 under the agricultural conservation program. [Sec. 344 (f), 52 Stat. 57, 203, 5861

§ 722.415 Apportionment of acreage allotments among established farms—(a) Acreage available for allotment. The county committee, with the assistance of other local committees established in the county, shall apportion, in the manner set forth in this section, acreage allotments among all farms in the county on which cotton was planted in any one of the three years 1939 to 1941. The acreage allotments to be apportioned among such farms shall consist of (1) the regular county acreage allotment, consisting of an apportionment of the State acreage allotment made to the county, with such increase in the county acreage allotment as is necessary to provide for the county a minimum acreage allotment of not less than 60 percent of the planted plus diverted cotton acreage in the county in 1937, plus any acreage apportioned to the county from the four-percent State reserve in supplementing county allotments which are determined, in accordance with applicable instructions, to be inadequate and unrepresentative, and (2) a distributive part, applicable to the county, of the four-percent State reserve. This distributive part shall be the sum of the acreage allotted to farms in the county, insofar as the amount of the four-percent State reserve will permit, under the following conditions in the order listed: (1) in supplying any deficiency in the regular county acreage allotment for the making of initial acreage allotments not exceeding five acres for each such farm; (2) in supplementing any acreage allotment made to any farm out of the regular county acreage allotment which, in consequence of the making of such initial acreage allotments, is inadequate and unrepresentative, and (3) in supplementing any acreage allotment made to any farm under this section which the county committee determines, in accordance with applicable instructions, is inadequate and unrepresentative. The committee shall not establish any farm acreage allotment which is not covered by the allotments mentioned above, except that after but not before the apportionment among farms of all the allotments mentioned above in this paragraph an additional farm acreage allotment shall be made, as set forth in paragraph (h), of this section, to any farm in respect to which the acreage allotment otherwise made is less than the minimum acreage allotment set forth in paragraph (h). The term "planted plus diverted cotton acreage", as used in this section, shall be taken to mean the sum of the acreage planted in cotton and the acreage diverted from cotton production under agricultural adjustment or conservation programs. [Sec. 344 (d), (e), (f), (g), (h), 52 Stat. 58, 203, and 586]

(b) Initial farm acreage allotments. The regular county acreage allotment shall be first apportioned among farms on which cotton was planted in any one of the three years 1939 to 1941, and in making such apportionment there shall be first established for each such farm an initial acreage allotment equal to the highest planted plus diverted cotton acreage on the farm in any one of the three years 1939 to 1941, provided that no initial allotment shall exceed five acres for any such farm. These allotments shall be known as initial allotments and are referred to accordingly in this section. Any deficiency in the amount of the regular county acreage allotment for the making of such initial allotments shall be supplied by the use of the four-percent State reserve insofar as such reserve will permit for the county. [Sec. 344 (d) (1), Sec. 344 (g) (1), 52 Stat. 58 and 203]

(c) Reserve for small farms. In the event that the regular county acreage allotment is more than sufficient to make the initial allotments, there shall be set aside for increase of allotments to small farms, as set forth in paragraph (g) of this section, an amount of not more than three percent of that amount of the regular county acreage allotment which remains after making the initial allotments. [Sec. 344 (d) (2) 52 Stat. 58]

(d) Apportionment on the basis of tilled land. The remainder of the regular county acreage allotment, plus the additional allotment, if any, made to the county from the four-percent State reserve pursuant to paragraph (a) of this section, shall be apportioned among all farms on which the highest planted plus diverted cotton acreage in any one of the three years 1939 to 1941 was more than five acres. The acreage thus to be apportioned to each such farm shall, together with the initial allotment made to the farm, be a percentage (which shall be the same percentage for all farms in the county or administrative area within the county) of the acreage on the farm in 1941 which was tilled or was in regular rotation, excluding therefrom the acreage devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or of wheat or rice for feeding to livestock for market. [Sec. 344 (d) (3), 52 Stat. 58]

(e) Increases as a result of making initial farm acreage allotments. If, as a result of the making of initial allotments, the farm acreage allotments for farms made in accordance with paragraph (d) of this section are substantially smaller than the farm acreage allotments which would have been made without regard to any provision for the making of initial allotments, the farm acreage allotments to such farms shall be increased to the acreage which would have resulted in the absence of any provision for the making of initial allotments, insofar as the remainder, if any, of the four-percent State reserve will permit for the county after the making of initial allotments. [Sec. 344 (g) (2), 52 Stat. 203 and 53 Stat. 853]

(f) Increase in view of past production. After allotments have been made from the four-percent State reserve as provided in paragraphs (b) and (e) of this section, one-half of the remainder, if any, of such reserve, less the additional allotment, if any, made to all counties in the State from the four-percent State reserve pursuant to paragraph (a) of this section, shall be apportioned to farms for which the acreage allotment otherwise determined is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937, and the other one-half of the remainder, if any, of such reserve shall be available for increasing the allotments for any farms which are determined, in accordance with applicable instructions, to be inadequate and not representative in view of past production on the farm: Provided, That the cotton acreage allotment for any farm shall not be increased under this paragraph (f) above 40 percent of the acreage on such farm in 1941 which was tilled or was in regular rotation. [Sec. 344 (g) (3), 52 Stat. 203 and 53 Stat. 8531

(g) Distribution of reserve for small farms. Any farm acreage allotment made as aforesaid of more than five acres, but not exceeding 15 acres, may be increased from the reserve of not more than three percent of the county acreage allotment mentioned in paragraph (c) of this section. In making such increase due consideration shall be given to, and such allotments shall be made on the basis of, the land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton. [Sec. 344 (d) (2), 52 Stat. 581

(h) Certain minimum and maximum farm acreage allotments. Notwithstanding the foregoing provisions of this section, (1) the farm acreage allotment made to any farm shall not exceed the highest planted plus diverted cotton acreage in any one of the three years 1939 to 1941, and (2) any farm acreage allotment which after but not before the apportionment of all acreage allotments, as provided in the foregoing paragraphs of this section, is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937 shall be increased to such amount, provided that such increase shall not be so made as to raise the farm acreage allotment above 40 percent of the acreage on the farm which in 1941 was tilled or was in regular rotation. The acreage allotments required to effect this minimum provision shall be in addition to all acreage allotments represented by the regular county acreage allotment and by the four-percent State reserve. [Sec. 344 (d) (3), (g), and (h), 52 Stat. 58, 203 and 586 and 53 Stat. 512 and 853]

(i) Reapportionment of unused farm acreage allotments. After making the allotments under this section, any part of the acreage allotted to individual farms which it is determined, in accordance with applicable instructions, will not be planted to cotton in 1942 shall be deducted from the allotments to such farms and may be apportioned in accordance with applicable instructions, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. Notwithstanding the foregoing provisions of this paragraph, the acreage shall be apportioned to those farms designated by the county committee. In designating the farm to which the apportionment is to be made, the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of such farm for an additional allotment to meet the requirement of the families engaged in the production of cotton in 1942 on the farm. Any transfer of allotments for 1942 as set forth in this paragraph shall not affect apportionment for any subsequent year. [Sec. 344 (h), 52 Stat. 57, 203, 586, and 53 Stat.

§ 722.416 Apportionment of acreage allotments among new farms. The county committee, with the assistance of other local committees, shall, in accordance with applicable instructions, apportion among farms for which an application for a farm acreage allotment was made in writing within the time limit prescribed therefor by the Agricultural Adjustment Administration and on which cotton was not planted in any one of the three years 1939 to 1941 and on which cotton will be planted in 1942 the distributive part, applicable to the county, of acreage allotments which constitute a reserve of not more than one percent of the State acreage allotment. The basis of the apportionment shall be the land, labor, and equipment available on the farm for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton thereon, taking into consideration the applicant's intention to plant cotton in 1942 on the farm. As a reflection of the several factors to be taken into consideration, the acreage on the farm which will be tilled in 1942 or was tilled in 1941 will be the basic index of the farm's capacity for cotton production: Provided, That the allotment shall not exceed an acreage equal

to 50 percent of the county percentage factor, determined under paragraph (d) of this section, times the tilled acreage in the farm used in determining the cotton acreage allotment, except that (a) for any such farm with respect to which the county committee's recommendation of an allotment is less than three acres, such recommendation shall be the cotton acreage allotment for the farm if the State reserve for new farms is sufficient therefor, or for any such farm with respect to which the county committee's recommendation of an allotment is three acres or more the allotment for the farm shall not be less than three acres if the State reserve for new farms is sufficient therefor, taking into consideration also the local committee's recommendation, and (b) for a farm on which the producer has in the previous year operated another farm located in an area in which several contiguous farms were purchased by a State or Federal agency to be retired from crop production the county cotton factor times the tilled acreage for the farm may be regarded as the basic index for the farm's capacity for cotton production. [Sec. 344 (c) (2), 52 Stat. 57]

§ 722.417 Normal yields—(a) Farms for which normal yields will be established. The county committee, with the assistance of the other local committees established in the county, shall determine the normal yield per acre of lint cotton for each farm for which a farm acreage allotment is established.

(b) Yields based on reliable records. Where reliable records of the actual average yield of lint cotton per acre for all of the five years 1936 to 1940 are presented by the farmer or are available to the committee, the normal yield per acre of lint cotton for the farm shall be the average of such yields, adjusted, in accordance with applicable instructions, for abnormal weather conditions.

(c) Appraised yields. If for any year of the five-year period 1936 to 1940 (1) records of the actual average yield are not available, or (2) there was no actual yield because cotton was not planted in such year, the normal yield per acre of lint cotton for the farm shall be appraised by the county committee, taking into consideration the normal yield for the county, the yield in the years for which data are available, and the rainfall, temperature, and other weather conditions during the years for which data are available as compared with those for which data are not available. provided the appraised yield so obtained shall be adjusted in accordance with paragraph (d) of this section.

(d) Adjustments in appraised yields. The yields determined under paragraph (c) of this section shall be adjusted so that the average of the normal yields per acre of lint cotton determined for all farms in the county or local administrative area therein (weighted by the cotton acreage allotments established for such farms) shall conform to but not exceed the county or administrative area normal

yield per acre of lint cotton established for 1942 by the Secretary of Agriculture. [Sec. 301 (b) (13) (B) and (E), 52 Stat.

38, 2021

§ 722.418 Applicability of detailed instructions. The provisions of §§ 722.411-722.417 shall be carried out in detail in accordance with the provisions of Part I, "Instructions for Determining 1942 Farm Cotton Acreage Allotments and Normal Yields", of the following instructions applicable to the regions indicated below:

(a) Southern Region. Cotton 608-SR, "Instructions Pertaining to Cotton

Marketing Quotas for 1942".

(b) East Central Region. Cotton 608-ECR. "Instructions Pertaining to Cotton Marketing Quotas for 1942".

(c) Western Region. Cotton 608-WR, "Instructions Pertaining to Cotton Mar-

keting Quotas for 1942"

(d) North Central Region. Cotton 608-NCR. "Instructions Pertaining to Cotton Marketing Quotas for 1942". [Sec. 375, 52 Stat. 66]

FARM MARKETING QUOTAS

§ 722.419 Farm marketing quotas-(a) Amount of farm marketing quota. The farm marketing quota for any farm for the 1942-1943 marketing year shall be that number of pounds of lint cotton equal to the sum of the following: (1) the amount of the normal production or the actual production, whichever is the greater, of the farm acreage allotment, and (2) the amount of any carryover penalty free cotton.

(b) Initial farm marketing quotas. Notwithstanding any other provisions of this section, the amount of the normal production of the farm acreage allotment, plus the amount of any carry-over penalty free cotton, shall be the farm marketing quota for any farm unless and until it is determined by the county committee that the actual production in 1942 of the farm acreage allotment therefor is in excess of the normal production thereof. If measurements for any farm cannot be made, the farm marketing quota therefor shall be the normal production of the farm acreage allotment therefor, plus the amount of carry-over penalty free cotton.

(c) Farm marketing quotas based on actual production. When the actual production in 1942 of the farm acreage allotment for any farm, as shown by the reports of cotton ginned from or produced on the farm, or other satisfactory evidence, is found by the county committee to be in excess of the normal production of the farm acreage allotment, the farm marketing quota for the farm shall be adjusted upward by the amount by which the actual production of the farm acreage allotment exceeds the normal production thereof. Such adjustment shall be made as soon as practicable after all cotton produced on the farm in 1942 is harvested and satisfactory records pertaining to the amount thereof are presented to the county committee; however,

intermediate adjustments for any farm may be made earlier if the adjustment is requested by the operator of the farm and determined by the county committee to be justifiable on the basis of the amount of cotton produced on the farm in 1942 that is harvested at the time of the request. [Sec. 346 (a), 52 Stat. 591

(d) Conversion of carryover penalty cotton. The amount of unmarketed cotton at the end of the 1941-1942 marketing year which, if marketed during that marketing year, would have been subject to penalty at a rate per pound less than the penalty rate applicable to cotton of the 1942 crop shall, for the purposes of these regulations, be regarded as having been converted, on the basis of the rate of penalty applicable to cotton of the 1942 crop, into such an amount thereof as is subject to such rate of penalty and such an amount thereof as is henceforth not subject to any penalty. The conversion is made by taking as carryover penalty cotton subject to the rate of penalty applicable to cotton of the 1942 crop, an amount of such unmarketed cotton which bears the same ratio to the total amount thereof as the lower rate of penalty bears to the rate of penalty applicable to the 1942 crop and by taking as carryover penalty free cotton the remainder of such unmarketed cotton.

§ 722.420 Notice of farm marketing quotas. Immediately upon the establishment of farm acreage allotments and the determination of normal yields per acre in lint cotton for farms in a county or other local administrative area, the county committee shall mail or deliver directly to the operator of each farm a written notive of the farm marketink quota for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which this quota is established". Notice so given shall constitute notice to all such persons. The notice shall contain the amount of the farm acreage allotment and normal yield for the farm, together with a brief statement of the manner in which the amount of the pursuant to § 722.419. The notice shall contain also a brief statement of the procedure whereby application for review of the quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing or delivering the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or share-cropper is interested in the cotton produced in 1942 on the farm for which the notice is given. The county committee shall also mail or deliver directly to the operator of each new cotton farm for which it determines that no farm marketing quota will be established a

similar written notice, informing the producers on such farm of its determination. [Sec. 362, 52 Stat. 62]

§ 722.421 Publication of farm acreage allotments, normal yields, and farm marketing quotas. One copy of each notice of the farm marketing quota for farms in a county shall be placed in binders or folders and posted in the office of the county committee in a manner that will make the copies of the notices freely available for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices shall be filed in the office of the county committee and remain readily available for further public inspection. [Sec. 362, 52 Stat. 62]

§ 722.422 Marketing quotas in effect. Marketing quotas shall be in effect during the 1942-1943 marketing year with respect to the marketing of cotton. Cotton produced in the calendar year 1942 shall be subject to the quotas in effect, notwithstanding that it may be marketed prior to August 1, 1942. [Secs. 345 and 347, 52 Stat. 58 and 59]

§ 722.423 Successors-in-interest. Any person who succeeds to the interest of a producer in a farm, or in a cotton crop. or in cotton for which a farm marketing quota was established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and be subject to the restrictions on the marketing of cotton. [Sec. 375 (b), 52 Stat. 66]

§ 722.424 Marketing quotas not transferable. A farm marketing quota is established for a farm and may not be assigned or otherwise transferred in whole or in part to any other farm. [Sec. 375 (b), 52 Stat. 66]

§ 722.425 Review of quotas-(a) Review committees. Any producer who is dissatisfied with the farm marketing quota established for his farm, or, in the case of a new cotton farm, with the action of the county committee in refusing to establish a farm marketing quota for such farm, may, by making application within 15 days after the mailing or delivery directly to him of the notice provided for in § 722.420, have such quota or determination reviewed by a local review committee composed of three farmers appointed by the Secretary of Agriculture. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm marketing quota in an amount which, under the law and regulations, should have been established. Unless such application is made within 15 days the original determination of the farm marketing quota shall be final. All applications for review shall be made in accordance with the Review Regulations (38-AAA-2, Revised) issued by the Secretary of Agriculture. [Secs. 363 and 364, 52 Stat. 631

(b) Court review. If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after the notice is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act. [Secs. 365 and 366, 52 Stat. 63]

Done at Washington, D. C., this 11th day of December 1941. Witness my hand and the seal of the Department of Agri-

[SEAL]

CLAUDE R. WICKARD. Secretary of Agriculture.

[F. R. Doc. 41-9376; Filed, December 12, 1941; 11:44 a. m.]

> [41-Tob-57-Supplement 1] PART 724-BURLEY TOBACCO

1941-42 MARKETING YEAR

Supplement 1 to Marketing Quota Regulations

Marketing Quota Regulations, Burley Tobacco-1941-42 Marketing Year, are hereby amended as follows:

Section 724.334, Amount of farm marketing quota, is amended by adding at the end thereof the following:

The marketing quota for any farm having tobacco carried over from a crop produced prior to the calendar year 1941, shall be whichever of the following is applicable:

- 1. If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is not greater than the acreage allotment for such year, the marketing quota shall be the actual production of tobacco on the farm acreage allot-ment for 1941 plus the amount of the carry-over tobacco.
- 2. If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is less than the acreage allotment for 1941 by as much as the number of acres obtained by dividing into the carry-over excess tobacco the normal yield for the farm, the farm marketing quota shall be the actual production on the farm in 1941 plus the entire amount of the carry-over tobacco.
- 3. If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 does not exceed the 1941 acreage allotment but is not less than such acreage allotment by as much as the number of acres obtained by dividing into the total pounds of carry-over excess tobacco the normal

yield for the farm, the farm marketing quota shall be the actual production of tobacco on the farm in 1941 plus an amount of tobacco equal to the 1941 normal yield for the farm times the number of acres by which the 1941 farm acreage allotment exceeds the acreage of tobacco harvested in 1941.

- 4. If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is greater than the acreage allotment for such year, the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941 plus the amount of the within quota carry-over tobacco.
- 5. If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year but the acreage of tobacco harvested on the farm in 1941 is in excess of the acreage allotment for such year the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941, plus the entire amount of carry-over tobacco.

"Excess tobacco in the case of farms having tobacco carried over from the calendar year prior to 1941 shall be all tobacco available for marketing from the farm in excess of the farm marketing quota determined as provided under paragraphs 3, 4 and 5 above."

Section 724.335, Issuance of marketing card, is amended by adding at the end thereof the following:

(e) Issuance of marketing cards for farms having carry-over tobacco. (1) For any farm on which the marketing quota is that amount determined pursuant to paragraph 1 or 2 of § 724.334 above, there shall be issued a within quota marketing card, unless the farm is operated by a person who also operates another farm on which there is tobacco available for marketing in excess of the farm marketing quota, in which event there shall be issued an excess marketing card.

(2) For any farm on which the farm marketing quota is that amount determined pursuant to paragraph 3, 4, or 5 of § 724.334 above, there shall be issued an excess marketing card.

- (3) The percent excess for any farm for which paragraphs 3 and 4 of § 724.334 are applicable shall be computed as follows: (i) A number of acres shall be determined by dividing into the carry-over excess tobacco the 1941 normal yield per acre for the farm; (ii) the number of acres determined under (i) shall be added to the 1941 harvested acreage; (iii) there shall be subtracted from the acreage determined under (ii) the 1941 acreage allotment; and (iv) the result obtained under (iii) shall be divided by the acreage determined under (ii).
- (4) The percent excess for any farm for which paragraph 5 of § 724.334 is ap-

plicable shall be computed as follows: (i) A number of acres shall be determined by dividing into the carry-over tobacco the 1941 normal yield per acre for the farm; (ii) the number of acres determined under (i) shall be added to the 1941 harvested acreage; (iii) the number of acres determined under (i) shall be added to the 1941 acreage allotment: (iv) there shall be subtracted from the acreage determined under (ii) the acreage determined under (iii) above; (v) the result obtained under (iv) shall be divided by the acreage determined

Section 724.339, Rights of producers in marketing card, is amended by adding at the end thereof the following:

The rights of producers in the marketing card for a farm having tobacco carried over from a crop produced prior to 1941 shall be determined in accordance with the provisions of this section, except that the burden of any penalty with respect to any such carry-over tobacco shall be borne by those persons having an interest in such tobacco.

By virtue of the authority vested in the Secretary of Agriculture under Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938) as amended, he does make, prescribe, and publish the foregoing amendments to the Marketing Quota Regulations—Burley Tobacco-1941-42 Marketing Year, designated 41-Tob-57, issued by the Secretary on October 27, 1941, which regulations, as so amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 11th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 41-9375; Filed, December 12, 1941; 11:43 a. m.]

CHAPTER IX—SURPLUS MARKETING **ADMINISTRATION**

[O-12, as amended]

PART 912-MILK IN THE DUBUQUE, IOWA, MARKETING AREA

912.0

Definitions. Market administrator. 912.2

Classification of milk.

912.4 Minimum prices. Reports of handlers.

Application of provisions.

Determination of uniform prices to 0126 912.7

Payments for milk. 9128

912.9 Expense of administration.

912.10

Marketing services. Effective time, suspension, or termina-912.11 tion of order, as amended.

H. A. Wallace, Secretary of Agriculture of the United States of America, issued, effective June 16, 1939, Order No. 12, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing

H. A. Wallace, Secretary of Agriculture, tentatively approved, on May 19, 1939, a marketing agreement, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area.

There being reason to believe that amendments to said tentatively approved marketing agreement, as amended, and said order, as amended, would tend to effectuate the declared policy of said act, notice was given September 4, 1941, of a hearing which was held in Dubuque, Iowa, on the 9th day of September 1941, at which time and place all interested parties were afforded an opportunity to be heard upon a proposal to amend the tentatively approved marketing agreement, as amended, and the order, as amended.

After such hearing and after the tentative approval on November 15, 1941, of a marketing agreement, as amended, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the Dubuque, Iowa, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, regulating the handling of milk in such marketing area, in the same manner as said order as hereby amended.

The requirements of § 8c (9) of the act have been complied with.

It is found upon the evidence introduced at the last above-mentioned hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and on amendments to the order, and being in addition to the other findings and determinations made prior to or at the time of the original issuance of the order and of amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 912.0 Findings. (a) That the reduction in the marketing area, as provided by this order, as amended, is necessary, proper, and reasonable in view of the change in the conditions which previously existed:

(b) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to §§ 2 and 8e, 50 Stat. 246; 7 U. S. C. 602, 608e are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(c) That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(d) That the issuance of this order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that such handling of milk in the Dubuque, Iowa, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall from the effective date hereof, be in compliance with the following terms and conditions.*

*§§ 912.0 to 912.11, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S. C. and Sup. 601 et seq.

§ 912.1 Definitions-(a) Terms. The following terms shall have the following meanings:

(1) The term "Dubuque, Iowa, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Dubuque, Iowa, the township of Dubuque, Iowa, sections 1, 2, 3, 11, and 12 of the township of Table Mound, and sections 5 and 6 of the township of Mosalem, all in the county of Dubuque in the State of Iowa.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person, irrespective of whether any such person is also a handler, who produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area or which is caused to be delivered by a handler from such a plant to a plant from which no milk is disposed of in the marketing area.

(4) The term "handler" means any person, irrespective of whether such person is a producer or a cooperative association, wherever located or operating, who engages in such handling of milk. which is disposed of as milk or cream in the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include any cooperative association with respect to milk caused to be delivered from a producer to a handler for the account of such cooperative association and for which such cooperative association collects payment, and any cooperative association or other handler with respect to the milk of any producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association or handler and for which such cooperative association or handler collects payment.

(5) The term "producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: Provided, That (i) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (ii) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(6) The term "market administrator" means the person designated pursuant to § 912.2 as the agency for the administra-

tion hereof.

(7) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the current marketing period from the first to and including the last day of each month.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "Secretary" means the Secretary of Agriculture of the United

States.

(10) The term "cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members, and (ii) to have and to be exercising full authority in the sale of milk of its members.*

§ 912.2 Market administrator—(a) Designation. The agency for the admintration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) Powers. The market administra-

tor shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) Duties. The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 912.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance

and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same

to his successor or to such other person as the Secretary may designate.

- (4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 912.5 or (ii) made payments pursuant to § 912.8.
- (5) Promptly verify the information contained in the reports submitted by handlers.*
- § 912.3 Classification of milk-(a) Milk to be classified. Milk of a producer which a handler causes to be delivered to a plant from which no milk is disposed of in the marketing area, and all milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section, subject to the provisions of paragraphs (c) and (d) of
- (b) Classes of utilization. The classes of utilization of milk shall be as follows:
- (1) Class I milk shall be all milk disposed of in the form of milk and all milk not accounted for as Class II milk. Class III milk, or Class IV milk.
- (2) Class II milk shall be all milk used to produce any product which is disposed of for consumption or use as cream.
- (3) Class III milk shall be all milk specifically accounted for as used to produce a milk product other than those specified in Class II and Class IV milk.
- (4) Class IV milk shall be all milk specifically accounted for as used to produce butter or cheese, except cottage cheese, and all milk accounted for as actual plant shrinkage but not to exceed 3 percent of the total receipts of milk from producers.
- (c) Interhandler and nonhandler sales. Milk disposed of by a handler to another handler and milk disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products shall be classified, subject to paragraph (d) of this section, as Class I milk: Provided, That if the selling handler on or before the 5th day after the end of each delivery period furnishes to the market administrator a statement which is signed by the buyer and seller that such milk was disposed of as Class II milk, Class III milk, or Class IV milk, such milk shall be classified accordingly, subject to verification by the market administrator.
- (d) Sales of a cooperative association to any other handler. Milk caused to be delivered from a producer to any other handler by a cooperative association which is a handler shall be ratably apportioned among the receiving handler's total Class I, Class II, Class III, and Class IV milk.*
- § 912.4 Minimum prices—(a) Class prices. Each handler shall pay at the No. 242-2

- time and in the manner set forth in § 912.8 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area, on the basis of milk of 3.5 percent butterfat content:
- (1) For Class I milk the price shall be the price for Class III milk for such delivery period plus 70 cents per hundredweight.
- (2) For Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to lowincome consumers, including persons on relief-the price shall be the price for Class III milk for such delivery period plus 23 cents per hundredweight.
- (3) For Class II milk the price shall be the price for Class III milk for such delivery period plus 25 cents per hundredweight.
- (4) For Class III milk the price shall be the result of the following computations by the market administrator: determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this subparagraph: Provided. That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for such delivery period: multiply by 0.4 the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prevailing prices of "Twins" at Chicago as reported by the United States Department of Agriculture shall be used), add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture, and multiply such result by 3.9.

Concern and Location of Plants

Amboy Milk Products Company, Amboy, Illinois; United Milk Products Company, Argo Fey, Illinois; Dean Milk Company, Belvidere, Illinois; Borden Company, Dixon, Illinois; Libby, McNeil & Libby Company, Morrison, Illinois; Carnation Milk Company, Oregon, Illinois; Dean Milk Company, Pearl City, Illinois; Dean Milk Company, Pecatonica, Illinois; Borden Company, Sterling, Illinois; Pet Milk Company, Schullsburg,

(5) For Class IV milk the price shall be the result of the following computation by the market administrator: multiply by 2.4 the average weekly prevail-ing price per pound of "Twins" during

- said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prices of "Twins" at Chicago as reported by the United States Department of Agriculture shall be used), and multiply such result by 3.5.*
- § 912.5 Reports of handlers (a) Periodic reports. On or before the 5th day after the end of each delivery period each handler, with respect to milk or cream which was, during such delivery period (a) received from producers, (b) received from handlers, (c) received from such handler's own production. (d) received from any other source, or (e) caused to be delivered to a plant from which no milk is disposed of in the marketing area, shall report to the market administrator, in the detail and form prescribed by the market administrator. as follows:
- (1) The receipts at each plant from producers who are not handlers:
- (2) The receipts at each plant from any other handler, including any handler who is also a producer;
 (3) The receipts at each plant from
- such handler's own production;
- (4) The receipts at each plant from any other source; and
- (5) The respective quantities of milk which were disposed of for the purpose of classification pursuant to § 912.3.
- (b) Reports as to producers. Each handler shall report to the market administrator as follows:
- (1) Within 10 days after the market administrator's request, with respect to any producer and with respect to a period of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received; and
- (2) Within 5 days after first receiving milk from any producer (i) the name and address of such producer, (ii) the date upon which such milk was first received. and (iii) the plant at which the milk of such producer was received.
- (c) Reports of payments to producers. On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer (a) the net amount of such producer's payment with the prices, deductions, and charges involved, and (b) the total delivery of milk with the average butterfat test thereof.
- (d) Verification of reports. Each handler shall make available to the market administrator or his agent (a) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (b) those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.*

§ 912.6 Application of provisions—(a) Handlers who are also producers and who purchase or receive milk from other producers. In the case of a handler who is also a producer and who purchases or receives milk from other producers the value of such milk purchased or received from other producers shall be computed by the market administrator pursuant to § 912.7 (a) as follows: the quantity of such milk shall be ratably apportioned among such handler's total Class I, Class II. Class III, and Class IV milk (after excluding purchases or receipts from other handlers) and multiplied by the Class I, Class II, Class III, and Class IV prices, respectively.

(b) Producer-handlers. (1) The provisions hereof, except as set forth in § 912.5 shall not apply to the handling of milk by handlers who are also producer-handlers pursuant to § 912.1 (a) (5), as verified by the market administrator in the manner provided in subparagraph (2) of this paragraph.

(2) Handlers s ha Il furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 912.1 (a) (5), as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualification as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence, and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) Milk received by a handler from another handler who is also a producer or a producer-handler. The market administrator, in computing the value of milk for any handler pursuant to § 912.7 (a), shall consider as Class IV milk any milk or cream received in bulk by such handler from another handler who is also a producer or a producer-handler. If such receiving handler disposes of such milk or cream for other than Class IV purposes, the market administrator shall add to the total value computed pursuant to § 912.7 (a) the difference between (1) the value of such milk or cream according to its actual usage and (2) the value at the Class IV price.*

§ 912.7 Determination of uniform prices to producers—(a) Computation of the value of milk for each handler. For each delivery period the market administrator shall compute, subject to the provisions of § 912.6, the value of milk of producers disposed of by each handler by (1) multiplying the quantity of such milk in each class by the price applicable pursuant to § 912.4 and (2) adding together the resulting values of each class.

(b) Computation and announcement of the uniform price. For each delivery

period the market administrator shall compute and announce the uniform price per hundredweight of milk as follows:

(1) Combine into one total the respective values of milk computed pursuant to paragraph (a) of this section for each handler who made the reports to the market administrator prescribed by \$912.5, and who made the payments to the market administrator prescribed by \$912.8 (d);

(2) Subtract the total amount to be paid pursuant to § 912.8 (a) (2);

(3) Add the amount of cash balance in the producer-settlement fund less the amount due handlers pursuant to § 912.8 (g);

(4) Divide the result obtained in subparagraph (3) of this paragraph by the total hundredweight of milk of producers other than that represented by the amount subtracted in subparagraph (2) of this paragraph:

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for milk of producers containing 3.5 percent butterfat; and

(6) On or before the 10th day after the end of such delivery period notify all handlers and make public announcement of these computations, of the uniform price per hundredweight of milk, of the Class I, Class II, Class III, and Class IV prices, and of the butterfat differential computed pursuant to § 912.8 (b).*

§ 912.8 Payments for milk—(a) Time and method of payment. On or before the 15th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in paragraph (b) of this section, for milk received at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area during such delivery period, as follows:

(1) To producers, except as set forth in subparagraph (2) of this paragraph, not less than the uniform price per hundredweight, computed pursuant to § 912.7 (b): and

(2) To any producer whose milk was not regularly received by a handler or who did not distribute milk in the marketing area during a period of 30 days prior to the effective date hereof, for all the milk received from such producer during a period beginning with the date of the first regular receipt of milk from such producer and including the first 2 full calendar months following the date of such first receipt of milk, at the Class IV price.

(b) Butterfat differential. If the milk of any producer received by a handler or caused by such handler to be delivered to a plant from which no milk is disposed

of in the marketing area during the delivery period, has an average butterfat content other than 3.5 percent, such handler shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than, an amount which is one thirty-fifth of the price per hundredweight for Class IV milk.

(c) Producer-settlement fund. The market administrator shall establish and maintain a separate fund, known as "the producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to paragraphs (d), (e), and (g) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (f) and (g) of this section.

(d) Payments to the producer-settlement fund. On or before the 12th day after the end of each delivery period. each handler shall pay, subject to the provisions of paragraph (e) of this section, to the market administrator for payment to producers through the producer-settlement fund, the amount by which the total utilization value of the milk of producers received by such handler or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area during the delivery period is greater than the sum obtained by multiplying the hundredweight of such milk by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts.

(e) Payments made through a cooperative association. On or before the 12th day after the end of each delivery period, each handler, with respect to milk which was caused to be delivered to him from producers by a cooperative association, for the account of such cooperative association and for which such cooperative association collects payments, shall make payment to such cooperative association at not less than the Class prices set forth in § 912.4, and subject to the provisions of § 912.3 (d) and to the butterfat differential provided in paragraph (b) of this section, for the utilization value of such milk. On or before the 12th day after the end of each delivery period, such cooperative association shall pay to the market administrator the amount by which the utilization value of such milk, and of the milk of each producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, is greater than the sum obtained by multiplying the hundredweight of such milk by the appropriate prices required to be paid by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts.

(f) Payments out of producer-settlement jund. On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler with respect to milk which was not caused to be delivered to such handler by a cooperative association, for the account of such cooperative association and for which such cooperative association collects payment, for payment to producers the amount, if any, by which the total utilization value of such milk or producers received by such handler is less than the sum obtained by multiplying the hundredweight of such milk of producers received by such handler by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts. On or before the 15th day after the end of each delivery period the market administrator shall pay to each cooperative association, with respect to milk which it caused to be delivered from a producer to another handler or to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association and for which such cooperative association collects payment, for payment to producers, the amount, if any, by which the total utilization value of such milk of producers is less than the sum obtained by multiplying the hundredweight of such milk of producers by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) Adjustment of errors in payments. Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to paragraphs (d) and (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (f) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.*

§ 912.9 Expense of administration— (a) Payment by handlers. As his prorata share of the expense of the administration hereof, each handler who received milk from producers, with respect to all milk received from producers, received from such handler's own production, and caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area, during the delivery period, shall pay to the market administrator, on or before the 15th day after the end of such delivery period, an amount not to exceed 4 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the Secretary. As its prorata share of the expense of the administration hereof, a coperative association which is a handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, with respect to the milk of any producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this paragraph.

(b) Suits by the market administrator. The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expenses set forth in this section.*

§ 912.10 Marketing services—(a) Marketing service deduction. In making payments to producers pursuant to § 912.8 (a) (1) and (2) each handler shall, with respect to all milk received at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area during such delivery period from each such producer, deduct 5 cents per hundredweight, or such lesser amounts as the market administrator shall determine to be sufficient, and shall, on or before the 15th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services, to, or with respect to the milk delivered by, such producers.*

§ 912.11 Effective time, suspension, or termination of order, as amended—(a)

Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) Suspension or termination. The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) Continuing power and duty of the market administrator. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: Provided. That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate. shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Issued at Washington, D. C. this 11th day of December 1941, to become effective on and after the 15th day of December 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 41-9368; Filed, December 12, 1941; 11:43 a. m.]

10-44-11

PART 944—MILK IN THE QUAD CITIES MARKETING AREA

944.0 Findings, 944.1 Definitions. 944.2 Market administrator. 944.3 Classification of milk

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944.6 Application of provisions.
944.7 Determination of uniform prices to producers.

944.8 Payments for milk. 944.9 Marketing services. 944.10 Expense of administration.

944.10 Expense of administration. 944.11 Effective time, suspension, or termination of order, as amended.

Grover B. Hill, Acting Secretary of Agriculture of the United States of America, issued, effective February 1, 1940, Order

No. 44 regulating the handling of milk in the Quad Cities marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on December 14, 1939, a marketing agreement, regulating the handling of milk in the Quad Cities marketing area.

There being reason to believe that amendment to said tentatively approved marketing agreement and said order would tend to effectuate the declared policy of the act, notice was given September 4, 1941, of a hearing which was held at Rock Island, Illinois, on the 11th day of September 1941, at which time and place all interested parties were afforded an opportunity to be heard upon a proposal to amend the tentatively approved marketing agreement and the order.

After such hearing and after the tentative approval, on November 19, 1941, of a marketing agreement, as amended, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the Quad Cities marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, regulating the handling of milk in such marketing area, in the same manner as said order as hereby amended.

The requirements of section 8c (9) of the act have been complied with.

§ 944.0 Findings. It is found upon the evidence introduced at the last abovementioned hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearing on the order and being in addition to the other findings and determinations made prior to or at the time of the original issuance of the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

(a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to Sec. 2 and 8e, 50 Stat. 246; 7 U. S. C. 602, 608e are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish:

- (b) That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and
- (c) That the issuance of this order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that such handling of milk in the Quad Cities marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall from the effective date hereof, be in compliance with the following terms and conditions.*

*§§ 944.0 to 944.11, inclusive, issued under the authority contained in 48 Stat, 31, 670, 675, 49 Stat, 750, 50 Stat, 246; 7 U.S.C. and Sup. 601 et seq.

§ 944.1 Definitions—(a) Terms. The following terms shall have the following meanings:

- (1) The term "Quad Cities marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Davenport and Bettendorf, Iowa; and Rock Island, Moline, East Moline, and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.
- (2) The term "persons" means any individual, partnership, corporation, association, or any other business unit.
- (3) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at a plant from which milk is disposed of in the marketing area: Provided, That if such person did not regularly distribute milk in the marketing area or dispose of milk to a handler or to persons within the marketing area during a period of 30 days prior to the effective date hereof, but thereafter begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery of milk to a handler and including the first 2 full calendar months of regular delivery following first delivery to a handler, after

which he shall be known as a producer. This definition of producer and new producer shall be deemed to include any person who produces milk which a coopertive association causes to be diverted from a plant from which milk is disposed of in the marketing area to a plant from which no milk is disposed of in the marketing area.

- (4) The term "handler" means any person, except as provided in § 944.8 (c) who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area; and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include a cooperative association with respect to the milk of any producer which it causes to be delivered to the plant of a handler or causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association, and for which such cooperative association collects payment.
- (5) The term "producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: Provided, That (i) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (ii) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.
- (6) The term "delivery period" means the period from the effective date hereof to and including the last day of that month. Subsequent to that month the term "delivery period" means the period from the first to the last day of each month, both inclusive.
- (7) The term "base" means the quantity of milk calculated for each producer pursuant to § 944.8 (e).
- (8) The term "act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.
- (9) The term "Secretary" means the Secretary of Agriculture of the United States.

(10) The term "market administrator" means the agency which is described in § 944.2 for the administration hereof.

(11) The term "cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members, and (ii) to have and to be exercising full authority in the sale of milk of its members.*

- § 944.2 Market administrator—(a) Designation. The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.
- (b) Powers. The market administrator shall:
- (1) Administer the terms and provisions hereof.
- (2) Investigate and report to the Secretary complaints of violation of the provisions hereof.
- (3) Make rules and regulations to effectuate the terms and provisions hereof.
- (c) Duties. The market administrator shall:
- (1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.
- (2) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(3) Submit his books and records to examination by the Secretary at any and

all times.

(4) Furnish such information and such verified reports as the Secretary may request.

- (5) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator.
- (6) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to § 944.5 or (b) made payments pursuant to § 944.8.
- (7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof.
- (8) Pay, out of the funds provided by § 944.10, (a) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (b) his own compensation, and (c) all other expenses necessarily incurred in the maintenance and functioning of his office.
- (9) Promptly verify the information contained in reports submitted by handlers.*
- § 944.3 Classification of milk—(a) Milk to be classified. Milk of a producer or new producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association and for which it collects payment, and all milk received by

- each handler, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section, subject to the provisions of paragraphs (c) and (d) of this section.
- (b) Classes of utilization. The classes of utilization of milk shall be as follows:
- (1) Class I milk shall be all milk disposed of in the form of milk and all milk not specifically accounted for as Class II milk, Class III milk, or Class IV milk.
- (2) Class II milk shall be all milk disposed of as cream (for consumption or use as cream) and all milk disposed of as chocolate milk, or as any flavored milk drink.
- (3) Class III milk shall be all milk specifically accounted for as used to produce evaporated milk, condensed milk, ice cream mix, unsalted butter, or any milk product, other than those specified in Class II milk and Class IV milk.
- (4) Class IV milk shall be all milk used to produce butter and American type Cheddar cheese and all milk accounted for as actual plant shrinkage: Provided, That such plant shrinkage shall not exceed 3 percent of the total receipts of milk from producers and new producers.
- (c) Interhandler and nonhandler sales. Milk disposed of by a handler to another handler or to a person not a handler but who distributes milk or manufactures milk products shall be classified, subject to paragraph (d) of this section, as Class I milk: Provided, That if the selling handler, on or before the date fixed for filing reports pursuant to § 944.5, furnishes to the market administrator a statement signed by the buyer and the seller that such milk was disposed of other than as Class I milk, such milk shall be classified accordingly, subject to verification by the market administrator.
- (d) Sales of a cooperative association to any other handler. Milk caused to be delivered from a producer to any other handler by a cooperative association which is a handler shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, Class III milk, and Class IV milk.*
- § 944.4 Minimum prices—(a) Class prices. Each handler shall pay, at the time and in the manner set forth in § 944.8, per hundredweight of milk not less than the prices set forth in this paragraph.
- (1) For Class I milk in the case of milk which complies with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, and is disposed of as Class I milk, the price shall be the price for Class III milk for such delivery period plus 90 cents per hundredweight:

Provided, That with respect to such Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be the price for Class III milk for such delivery period plus 43 cents per hundredweight.

(2) For Class I milk in the case of milk which does not comply with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa. or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, and is disposed of as Class I milk, the price shall be the price for Class III milk for such delivery period plus 70 cents per hundredweight: Provided, That with respect to such Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to lowincome consumers, including persons on relief, the price shall be the price for Class III milk for such delivery period plus 23 cents per hundredweight.

(3) For Class II milk in the case of milk which complies with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, and is disposed of as Class II milk, the price shall be the price for Class III milk for such delivery period plus 45 cents

per hundredweight.

(4) For Class II milk in the case of milk which does not comply with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, and is disposed of as Class II milk, the price shall be the price for Class III milk for such delivery period plus 25 cents per hundredweight.

(5) For Class III milk the price shall be the result of the following computations by the market administrator, determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this subparagraph: Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for such delivery period: multiply by 0.4 the average weekly prevailing price per

pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prevailing prices of "Twins" at Chicago as reported by the United States Department of Agriculture shall be used), add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture, and multiply such result by 3.9: Provided further, That for that portion of Class III milk specifically accounted for as used by the handler to produce ice cream or ice cream products disposed of at wholesale in a frozen state to another person for resale by the purchaser, the price shall be the price as computed above for the remainder of the Class III milk minus 15 cents per hundredweight.

Concern and location of plants

Amboy Milk Products Company, Amboy, Illinois.

United Milk Products Company, Argo Fey, Illinois.

Dean Milk Company, Belvidere, Illi-

Borden Company, Dixon, Illinois.

Libby, McNeil & Libby Company, Morrison, Illinois.

Carnation Milk Company, Oregon, Illinois.

Dean Milk Company, Pearl City, Illinois.

Dean Milk Company, Pecatonica, Illinois.

Borden Company, Sterling, Illinois. Pet Milk Company, Schullsburg, Wisconsin.

- (6) For Class IV milk the prices shall be the result of the following computations by the market administrator: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add:
- (i) 10 percent thereof when such average price of 92-score butter is less than 30 cents:
- (ii) 15 percent thereof when such average price of 92-score butter is 30 cents or over, but less than 35 cents;
- (iii) 20 percent thereof when such average price of 92-score butter is 35 cents or over, but less than 40 cents; and
- (iv) 25 percent thereof when such average price of 92-score butter is 40 cents or over.*
- § 944.5 Reports of handlers—(a) Periodic reports. Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:
- (1) On or before the 5th day after the end of each delivery period (i) the receipts at each plant of milk from producers and new producers, (ii) the receipts at each plant of milk from handlers, (iii) the receipts at each plant of

milk produced by him, if any, (iv) the utilization of all receipts of milk for the delivery period, (v) the utilization of milk caused to be delivered to a plant from which no milk is disposed of in the marketing area, and (vi) the name and address of each new producer.

(2) On or before the 5th day after the end of each delivery period, the receipts of milk at each plant obtained in accordance with the provisions of § 944.8 (c), as follows: (i) the amount of such milk, (ii) the date or dates upon which such milk was received during the delivery period, (iii) the plant from which such milk was shipped, (iv) the price per hundredweight paid or to be paid for such milk, (v) the utilization of such milk, and (vi) such other information with respect thereto as the market administrator may request.

- (b) Reports as to producers. Each handler shall report to the market administrator:
- . (1) Within 10 days after the market administrator's request with respect to any producer or new producer and with respect to a period of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received.
- (2) Within 5 days after first receiving milk from any producer (i) the name and address of such producer, (ii) the date upon which such milk was first received, (iii) the plant at which the milk of such producer was received, and (iv) whether such producer is a new producer.
- (c) Reports of payments. On or before the 20th day after the end of each delivery period, each handler shall report for such delivery period to the market administrator, in the manner prescribed by the market administrator. with respect to each producer and new producer, (1) his name, (2) his total deliveries of base milk and total deliveries of milk in excess of base milk, respectively, (3) the average butterfat content of his milk. (4) the total payment made to such producer or new producer showing the prices, deductions, and charges involved, and (5) such other information as the market administrator may request.
- (d) Verification of reports. Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (2) those facilities which are necessary for the sampling, weighing, and testing of milk and for determining the utilization of milk by the handler.*

§ 944.6 Application of provisions—(a) Handlers who are also producers and who purchase or receive milk from other producers. In the case of a handler who is also a producer and who purchases or re-

ceives milk from other producers the value of such milk purchased or received from other producers shall be computed by the market administrator pursuant to § 944.7 (a) as follows: the quantity of such milk shall be ratably apportioned among such handler's total Class I, Class III, Class III, and Class IV milk (after excluding purchases or receipts from other handlers) and multiplied by the Class I, Class II, Class III, and Class IV prices, respectively.

(b) Producer-handlers. (1) The provisions hereof, except as set forth in § 944.5, shall not apply to the handling of milk by handlers who are also producer-handlers pursuant to § 944.1 (a) (5), as verified by the market administrator in the manner provided in subparagraph (2) of this paragraph.

(2) Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producerhandlers pursuant to § 944.1 (a) (5), as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence, and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) Milk received by a handler from a producer-handler. The market administrator, in computing the value of milk for any handler pursuant to § 944.7 (a), shall consider as Class IV milk any milk or cream received in bulk by such handler from a producer-handler. If such receiving handler disposes of such milk or cream for other than Class IV purposes, the market administrator shall add to the total value computed pursuant to § 944.7 (a) the difference between (1) the value of such milk or cream according to its actual usage, and (2) the value at the Class IV prices.*

§ 944.7 Determination and notification of uniform prices to producers—(a) Computation of the value of milk for each handler. For each delivery period the market administrator shall compute, subject to the provisions of § 944.6 and § 944.8 (c), the value of milk of producers and new producers disposed of by each handler by (1) multiplying the quantity of such milk in each class by the price applicable pursuant to § 944.4, and (2) adding together the resulting values of each class.

(b) Computation and announcement of the uniform price. For each delivery period the market administrator shall compute and announce the uniform price per hundredweight of milk as follows:

(1) Combine into one total the respective values of milk computed pursu-

ant to paragraph (a) of this section for each handler who made the reports to the market administrator prescribed by § 944.5 and who made the payments prescribed by § 944.8 (a) (5);

(2) Compute the total quantity of milk which represents the delivered bases of producers (excluding new producers) and which is included in the computations made pursuant to paragraph (a)

of this section:

(3) Compute the total value of the milk (including all milk received from new producers) which is in excess of the delivered bases of producers determined pursuant to subparagraph (2) of this paragraph and which is included in the computations pursuant to paragraph (a) of this section, by multiplying such quantity of milk by the Class IV price:

(4) Compute the total value of the milk represented by the delivered bases of producers by subtracting the value obtained in subparagraph (3) of this paragraph from the value obtained in subparagraph;

(5) Subtract from the value computed pursuant to subparagraph (4) of this paragraph an amount computed as follows: multiply by \$0.20 the total hundredweight of milk of producers who are qualified to receive payments pursuant to § 944.8 (a) (2) which was disposed of as Class I milk and Class II milk;

(6) Add to the value computed pursuant to subparagraph (5) of this paragraph an amount which will prorate any cash balance available from previous delivery periods pursuant to subparagraph

(8) of this paragraph;

(7) Divide the value obtained in subparagraph (6) of this paragraph by the quantity of milk represented by the delivered bases of producers as determined in subparagraph (2) of this paragraph;

- (8) Subtract from the figure obtained in subparagraph (7) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining a cash balance to provide against errors in reports and payments, or delinquencies in payments by handlers. This result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers containing 3.5 percent butterfat; and
- (9) On or before the 10th day after the end of each delivery period notify all handlers and make public announcement of these computations, of the uniform price per hundredweight of base milk computed pursuant to this paragraph, of the Class I, Class II, Class III, and Class IV prices, and of the differentials computed pursuant to subparagraph (2) of paragraph (a) and paragraph (d) of § 944.8.*
- § 944.8 Payments for milk—(a) Time and method of payment. On or before the 15th day after the end of each delivery period each handler shall make payment for milk, subject to the differential provided in paragraph (d) of this section as follows:

(1) To each producer, not less than the uniform price computed pursuant to § 944.7 (b) for that quantity of milk which does not comply with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, received from such producer not in excess of such producer's base;

(2) To each producer, not less than the uniform price computed pursuant to § 944.7 (b) for that quantity of milk which does comply with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois. and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, received from such producer not in excess of such producer's base plus the amount per hundredweight resulting from the following computation by the market administrator: divide the amount subtracted in the computation of the uniform price, pursuant to § 944.7 (b) (5), by the total hundredweight of base milk received during the delivery period from all such producers;

(3) To each producer, not less than the Class IV price for that quantity of milk received from such producer in excess of such producer's base;

(4) To each new producer, the Class IV price for the total quantity of milk received from such new producer; and

- (5) To producers, through the market administrator, by paying to or receiving from the market administrator, as the case may be, the amount by which the payments required to be made pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph are less than or exceed the value of milk computed for such handler pursuant to § 944.7 (a), as shown in a statement rendered by the market administrator on or before the 12th day after the end of such delivery period.
- (b) Additional payments. Any handler may make payments to producers in addition to the payments made pursuant to paragraph (a) (1), (2), and (3) of this section: Provided, That such additional payments are made to all producers supplying such handler with milk of the same quality and grade.
- (c) Emergency milk. During any period when the market administrator determines that the supply of milk received by any handler from producers, new producers, and handlers operating wholesale or retail milk distribution routes in the marketing area, is not sufficient to fulfill the Class I milk and Class II milk requirements of such handler, such handler, after giving notice to the market administrator of his intention to purchase milk from other than such sources.

may secure milk from additional sources on terms and conditions other than those provided in this section. Such milk shall be reported to the market administrator by the receiving handler separately from milk received from producers, new producers, and handlers operating wholesale or retail milk distribution routes in the marketing area, in accordance with § 944.5 (a) (2). Such milk shall be deducted from each class in the proportions that the quantity of milk disposed of by the receiving handler in each class during the delivery period bears to the total quantity of milk received by him during such delivery period. The person from whom the handler received such milk shall not be considered a handler with respect to milk disposed of in the marketing area under the circumstances described in this paragraph.

(d) Butterfat differential. If during the delivery period any handler has received from any producer or new producer milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in paragraph (a) (1), (2), (3), and (4) of this section, shall add for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not

more than:

(1) Three cents per hundredweight when the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, is less than 30 cents;

- (2) Four cents per hundredweight when such average price of 92-score butter is 30 cents or over, but less than 35 cents; and
- (3) Five cents per hundredweight when such average price of 92-score butter is 35 cents or over.
- (e) Determination of base. (1) For each delivery period the base of each producer shall be a quantity of milk calculated in the following manner: (i) multiply the applicable figure, computed pursuant to subparagraph (ii) of this paragraph, by the number of days on which milk was received from such producer during such delivery period.
- (2) Effective January 1, 1940, and each subsequent year thereafter, the daily base of each producer for the ensuing year shall be determined by the market administrator from reports filed by handlers pursuant to § 944.5 in the following manner:
- (i) Determine for each producer that month during the preceding calendar year when his daily average deliveries of milk were the lowest. Determine the 3 months of the preceding calendar year when the daily average deliveries of milk of all producers were the lowest;
- (ii) Determine for each producer his total deliveries of milk during each of the

4 months of the previous calendar year described in subdivision (i) of this subparagraph and add together the resulting

(iii) Divide the sum obtained for each producer in subdivision (ii) of this subparagraph by the number of days of such 4 calendar months:

(iv) Add together in one sum all the daily average amounts, computed in accordance with subdivision (iii) of this subparagraph;

(v) Determine the daily average utilization of Class I milk and Class II milk during the month of the preceding year when such utilization was greatest and add to such daily average an amount not to exceed 10 percent thereof;

(vi) Divide the amount determined pursuant to subdivision (v) of this subparagraph by the sum determined pursuant to subdivision (iv) of this subparagraph; and

(vii) Multiply the daily average amount for each producer determined in subdivision (iii) of this subparagraph by the percentage figure computed pursuant to subdivision (vi) of this subparagraph. This result shall be known as the producer's allotted daily base.

(3) Base rules. The following rules shall be observed by the market administrator with respect to the administration of the base plan:

(i) Bases allotted to producers pursuant to subparagraph (2) of this paragraph shall not be transferable: Provided, That bases allotted under a tenant and landlord relationship shall be combined and may be divided only if such relationship is terminated: And provided further, That any member of the producer's family may be named as the person to whom such base is to be allotted, but in no case shall a base be allotted to more than one member of such producer's family on the same farm;

(ii) As soon as bases are allotted to producers pursuant to subparagraph (2) of this paragraph, the market administrator shall notify each handler of the bases of producers from whom such han-

dler received milk:

(iii) Any producer who ceases to market milk to a handler for a period of more than 45 consecutive days shall forfeit his base. In the event that he thereafter commences to market milk to a handler he shall receive a base computed in the manner provided in subdivision (x) of this subparagraph for the allotment of bases to producers who have been new producers, and shall be treated for the purposes of this section as if he had been a new producer;

(iv) In the event a producer delivers an average quantity of milk less than 85 percent of his allotted daily base for each of 3 consecutive calendar months, such producer shall be reallotted a base equal to his daily average deliveries of milk of his own production for the 3 consecutive months involved;

(v) A producer, whether landlord or tenant of a farm, may retain his base when moving his entire herd of cows from one farm to another farm: Provided, That at the beginning of a tenant and landlord relationship the allotted base of such tenant and landlord shall be a combined base:

(vi) A landlord who rents on shares shall be entitled to the entire base to the exclusion of the tenant, if the landlord owns the entire herd. Likewise, the tenant who rents on shares shall be entitled to the entire base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship:

(vii) The base of any producer shall be automatically canceled at the beginning of any delivery period during which such producer reports milk not produced by him as being milk of his own production for the purpose of maintaining or increasing his allotted base. Such producer shall be reallotted a base computed in the manner provided in subdivision (x) of this subparagraph for the allotment of bases to producers who have been new producers, and shall be treated for the purposes of this section as if he had

been a new producer;

(viii) Any producer, upon giving notice to the market administrator, may relinquish his base at the beginning of the delivery period following that during which notice is given. In the event the producer thereafter requests the market administrator to allot him a base, he shall be allotted a base in the manner provided in subdivision (x) of this subparagraph for the allotment of bases to producers who have been new producers. and shall be treated for the purpose of this section as if he had been a new producer:

(ix) If a producer, who has notified the market administrator within 5 days prior to his participation, enters into a program of disease eradication supervised by either county, State, or Federal authorities, the market administrator, in making his determination of that month of the preceding year when such producer's daily average deliveries of milk were the lowest, pursuant to subdivision (i) of subparagraph (2) of this paragraph, shall disregard any month in which such disease eradication program was being performed;

(x) In the event of allotment of a base to a producer who has shipped milk as a new producer, the market administrator shall determine the daily average deliveries of milk by such producer for the first 2 full calendar months immediately preceding the time when such producer became a producer. Such daily average deliveries of milk shall be multiplied by the percentage that base deliveries were to total deliveries of milk to the market during such 2 calendar months by all base-holding producers on the market during that period; and

(xi) In the case of a producer who distributes the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a figure representing the average daily Class I milk and Class II milk produced, and disposed of during the previous 3 months on the delivery routes of such producer, which such producer and such handler jointly report as involved in the transaction, subject to verification by the market administrator. Any base so determined shall be effective from its determination until the end of the then current calendar year and thereafter shall be superseded by a figure determined pursuant to subparagraph (2) of this paragraph.

(f) Errors in payments. Whenever verification by the market administrator of the payment by a handler to any producer or new producer discloses payment to such producer or new producer of less than is required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payment to producers and new producers next following such disclosure.*

§ 944.9 Marketing services—(a) Deductions for marketing services. Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made to producers and new producers pursuant to § 944.8 with respect to all milk received by such handler during each delivery period from producers and new producers, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers and new producers during the delivery period and to provide such producers and new producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Producers' cooperative association. In the case of producers and new producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers and new producers as may be authorized

by such producers and new producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services of which such producers and new producers are members.*

§ 944.10 Expense of administration-(a) Payments by handlers. As his pro-rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator a sum not exceeding 3 cents per hundredweight with respect to all milk received during such delivery period from producers and new producers and produced by such handler, the exact sum to be determined by the market administrator subject to review by the Secretary: Provided, That each handler which is a cooperative association shall pay such prorata share of expense of administration on only that milk of producers and new producers received by such association or caused to be delivered by such association to a plant from which no milk is disposed of in the marketing area.

(b) Suits by market administrator. The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro-rata share of expense set forth in this section.*

§ 944.11 Effective time, suspension, or termination—(a) Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) Suspension or termination. The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) Continuing power and duty of the market administrator. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: Provided, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with

the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

Issued at Washington, D. C., this 11th day of December, 1941, to become effective on and after the 15th day of December, 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 41-9366; Filed, December 12, 1941; 11:42 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO MOULTRIE STOCK YARDS, MOULTRIE, GEORGIA ¹

DECEMBER 12, 1941.

Whereas, the Moultrie Stock Yards was posted on November 1, 1921, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Moultrie Stock Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Moultrie Stock Yards no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL, Assistant Secretary of Agriculture. [F. R. Doc. 41-9367; Filed, December 12, 1941; 11:42 a. m.]

TITLE 14-CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPART-MENT OF COMMERCE

PART 531-SEIZURE OF AIRCRAFT

DECEMBER 8, 1941.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308, 901 and 903 of said Act, and finding that this action is required to best effectuate the policies declared in, and the purposes of, said Act, and is desirable in the public interest, I hereby issue the following regulation:

§ 531.1 Seizure. (a) All inspectors of the Civil Aeronautics Administration are authorized and directed to summarily seize and impound any aircraft owned, operated or piloted by an alien and any aircraft which is piloted by a person who is not possessed of a currently effective pilot certificate issued by the Civil Aeronautics Administration or who is the holder of a pilot certificate issued by the Civil Aeronautics Administration which is under suspension pursuant to the terms of Order No. 3 of the Administrator of Civil Aeronautics.

(b) The foregoing inspectors are also authorized and directed to summarily seize and impound all aircraft operated in violation of the provisions of the Civil Air Regulations or the safety provisions of the Civil Aeronautics Act of 1938.

[SEAL] DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-9343; Filed, December 12, 1941; 9:58 a. m.]

[Order No. 3]

SUSPENSION OF PILOT CERTIFICATES

DECEMBER 7, 1941.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 609 of said Act, and finding that this action is required to best effectuate the policies declared in, and the purposes of, said Act, and is desirable in the public interest,

It is ordered, That: Effective at 0:01 December 8th, under the powers vested in me as Administrator of Civil Aeronautics, I hereby declare that all pilot certificates except those held by pilots employed as such by scheduled air carriers are suspended. Suspension may be released as follows:

(a) For pilots at schools where training activities are being conducted for the Government, by the senior supervising Army or Navy representative or by the Civil Aeronautics Administration representative whose signature across the certificate shall indicate that he is satisfied that the holder is an American citizen of unquestionable loyalty.

(b) For pilots at aircraft manufacturing plants and at other defense manu-

¹ Modifies list posted stockyards 9 CFR 204.1.

facturing plants, by the senior Army or Navy inspector supervising the activities of the plant in the same manner as indicated in (a).

(c) In ferry activities, by the responsible Army or Navy officer in the same

manner as indicated in (a).

(d) All other certificates may be reinstated only after satisfactory evidence of citizenship and loyalty accompanied by positive identification has been accepted by a designated representative of the CAA.

(e) At all times, reinstated certificates shall be considered valid only when the holder presents with the certificate positive proof of identification.

These requirements are applicable at this time only to the Continental limits of the United States, its territories and possessions and the District of Columbia.

DONALD H. CONNOLLY,

Administrator of Civil Aeronautics.

[F. R. Doc. 41-9344; Filed, December 12, 1941; 9:58 a. m.]

TITLE 19—CUSTOMS DUTIES
CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50525]

PART 27—REGULATIONS UNDER TRADING
WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS

Regulations Under Sec. 3 (c) of the Trading With the Enemy Act, Approved October 6, 1917, and Section XI of the Executive Order Dated October 12, 1917, Relative to the Bringing Into, or Taking Out of, the United States of Letters and Other Tangible Forms of Communication, Except in the Regular Course of the Mails

DECEMBER 11, 1941.

Section 3 (c) of the Trading with the Enemy Act, approved October 6, 1917, provides that it shall be unlawful—

(c) For any person (other than a person in the service of the United States Government or of the Government of any nation, except that of an enemy or ally of enemy nation, and other than such persons or classes of persons as may be exempted hereunder by the President or by such person as he may direct), to send, or take out of, or bring into, or attempt to send, or take out of, or bring into the United States, any letter or other writing or tangible form of communication, except in the regular course of the mail; * * *: Provided, however, That any person may send, take, or transmit out of the United States anything herein forbidden, if he shall first submit the same to the President, or to such officer as the President may direct, and shall obtain the license or consent of the President, under such rules and regulations, and with such exemptions, as shall be prescribed by the President.

Section XI, Executive Order No. 2729-A, dated October 12, 1917, is in part as follows:

I further hereby vest in the Secretary of the Treasury the executive administration of the provisions of subsection (c) of section 3 of the Trading with the Enemy Act relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into the United States any letter, writing, or tangible form of communication, except in the regular course of the mail. * * * And said Secretary of the Treasury is hereby authorized and empowered to issue licenses to send, take, or transmit out of the United States anything otherwise forbidden by said subsection (c) and give such consent or grant such exemption in respect thereto as is not inconsistent with law or to withhold or refuse the same.

Under section 16 of the Trading with the Enemy Act any person bringing, or attempting to bring, into the United States any letter or other writing or tangible form of communication, except in the regular course of the mail, is subject, upon conviction, to a fine of not more than \$10,000, or to imprisonment for not more than 10 years or both, and the letter or other form of communication so brought in, or attempted to be brought in, is subject to seizure and forfeiture. Any person who sends, or takes, or attempts to send, or take from the United States any letter or other writing or tangible form of communication, except in the regular course of the mail, without a license therefor, is subject to a like penalty, and the letter or other form of communication involved is subject to seizure and forfeiture.

Pursuant to the authority conferred by sections XI and XIII of Executive Order No. 2729-A, dated October 12, 1917, the following regulations are hereby prescribed for the enforcement of the provisions of the statute and order quoted above:

(1) Every person arriving in the United States from any foreign country (except persons in the service of the United States Government or of the Government of any nation other than Japan and allies of Japan) shall be required to declare to the customs officers, in addition to the usual customs declaration (if any), any letter or other tangible form of communication, carried on his person or in his baggage, or otherwise brought with him or under his control. Customs officers examining arriving passengers and baggage shall, in addition to the usual customs examination, make a particular search to discover any letters or other tangible forms of communication, and shall deliver to the collector of customs for disposition any such letters or other forms of communication so declared, or which may be found on the persons or in the baggage of passengers. or which may have been brought to the United States otherwise than in the regular course of the mails. If it appear that any letter or other tangible form of communication is being brought into the United States with intention to evade or violate the law, or if it appear that the effect of bringing such letter or other form of communication into the United States would be inimical to the interests of our Government, or in the interests of its enemies, the customs officers shall detain any person having such letter or other form of communication in his possession or under his control, and report the facts to the United States attorney for appropriate action.

(2) Customs officers shall require every person departing from the United States (except persons in the service of the United States Government or of the Government of any nation other than Japan or allies of Japan) to declare any letter or other tangible form of communication carried on his person, or contained in his baggage, or otherwise brought with him or under his control. When such action is deemed necessary, customs officers shall also search the person and baggage of any one (except persons in the service of the United States Government or of the Government of any nation other than Japan or allies of Japan) departing from the United States for any letter or other tangible form of communication. If any such letter or form of communication be declared or found which is not covered by a license issued pursuant to paragraph 4 or 5 hereof or other proper authority, the customs officers shall take possession of it and deliver it to the collector of customs for disposition. If upon investigation the collector of customs is satisfied that such letter or other form of communication was being taken out of the United States without any intention to violate or evade the law or to injure the interests of the United States or to advance the interests of its enemies, and if such letter or other form of communication is not intended for or to be delivered to an enemy or ally of an enemy, the collector may grant a license for the taking of such letter or other form of communication out of the United States, provided there are affixed to the letter or other form of communication the postage stamps that would be required if such letter or other form of communication were sent in the regular course of the mail. If such letter or other form of communication is intended for or to be delivered to an enemy or ally of an enemy and a license therefor has not been issued pursuant to proper authority, the collector of customs shall hold it in his possession until he is instructed concerning its disposition. If the collector finds on investigation that such letter or other form of communication is being taken out of the United States with intention to violate or evade the law, or if the effect of taking it out would be to injure the United States or to advance the interests of its enemies, he shall seize such letter or other form of communication and detain the person in whose possession it was found, or who had it under his control, and shall report the facts to the United States attorney for appropriate action.

(3) In connection with the examination of imports and exports for customs and control purposes, customs officers shall be alert to detect any letter or other tangible form of communication brought into or intended to be taken out of the United States contrary to law, and if any

such be found, shall take possession thereof and submit it to the collector for disposition.

(4) Licenses to take or send from the United States any letter or other tangible form of communication otherwise than in the regular course of the mail may be granted, if such letter or other form of communication is not intended for or to be delivered to an enemy or ally of an enemy, upon compliance with the following procedure:

Any person desiring to take or send from the United States such letter or other form of communication shall file an application therefor with the collector of customs at the port of entry at which such letter or other form of communication is to leave the United States, or with the collector of customs at or nearest the place of residence of such person. Such application shall state the name, nationality, residence, occupation, and place of business of the person taking, and, if sent by another person, of the person sending such letter or other form of communication, and the name, nationality, residence, occupation, and place of business of the person to whom such letter or other form of communication is to be delivered, with a full statement of the reasons why it is necessary or desired to send such communication otherwise than in the regular course of the mail. If the person sending or taking such letter or other form of communication from the United States is a citizen of this country, the application shall state whether he is a native-born or a naturalized citizen, and, if naturalized, the country of which he was a citizen or subject prior to receipt of his final naturalization papers, and the place where and the date when he was naturalized. Such application shall have attached thereto the actual letter or other form of communication which it is desired to send or take from the United States and, if in a foreign language, a translation thereof. If the collector of customs is satisfied that a good reason exists for the taking or sending of such letter or other form of communication from the United States otherwise than in the regular course of the mail, and that such action will not be inimical to the interests of the United States, he shall stamp the letter or other form of communication with the word "Licensed" and the date of the stamp and affix his official seal thereto and return it to the applicant, who shall declare and exhibit it to the customs officer who examines his baggage at the time of his departure. If the collector of customs is of the opinion that the granting of any application for a license will be inimical to the interests of the United States, he shall refuse to grant the license. Any person to whom a license is refused by any collector of customs may appeal from such decision to the Secretary of the Treasury through the Commissioner of Customs. Such appeal shall state all the facts required to be stated in the application for a license and any additional facts or reasons the applicant may consider pertinent to show why the decision of the collector of customs should be reversed.

(5) A general license extending over a period of time may be granted upon application made to the Secretary of the Treasury and its being shown that the granting of such a general license is necessary to the orderly transaction of the applicant's business, and is not contrary to the interests of the United States. Each application for such a license shall state all the facts required to be stated in an application for an individual license and such additional facts as may be relied upon to show why a general license should be granted, and shall be filed with the collector of customs at or nearest the place of residence of the applicant, or at the port of entry from which the communications are to be sent. Such applications shall be forwarded to the Commissioner of Customs by the collector of customs after an investigation of the facts, with his report and recommendation. Such general license, when granted, will be issued through the collector of customs at the port at which the application was filed, or at which such letters or other forms of communication are to leave the United States, and the applicant will be notified of the granting

(6) In case of doubt, the collector of customs shall refer the application for a license to the Customs Agency Service for investigation and report.

(7) Any license issued pursuant to these regulations may be revoked at any time

(8) Collectors of customs shall arrange with coordinators of Treasury agencies and the local representatives of the Immigration Service, the Federal Bureau of Investigation, the United States Secret Service, and the Intelligence Services of the Army and the Navy for mutual cooperation and exchange of information in carrying out these regulations.

(9) Each collector of customs shall report to the Commissioner of Customs on Monday of each week all licenses granted by him during the preceding week, stating the name, occupation, and address of each sender and addressee, and the nature and subject matter of the communication licensed.

(10) Collectors of customs shall not issue licenses for any letter or other tangible form of communication intended for or to be delivered to an enemy or ally of enemy, whether to be sent outside the regular course of the mail, or otherwise.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9372; Filed, December 12, 1941; 11:54 a. m.]

TITLE 31-MONEY AND FINANCE: TREASURY

CHAPTER I-MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

DEBITING BLOCKED ACCOUNTS FOR CERTAIN CHARGES DUE BANKING INSTITUTIONS

General License No. 2, as Amended, Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

DECEMBER 11, 1941.

General License No. 2 is hereby amended in the following respects:

(a) Paragraph (b) thereof is deleted;(b) The following sentence is substituted for the sentence deleted by paragraph (a) of this amendment:

§ 131.2 General license No. 2.

(b) Any banking institution within the United States which during any quarterly period enters any single item in excess of \$50 to any account under the authority of this general license shall file with the appropriate Federal Reserve Bank at the end of such quarterly period a report showing the name of such account and the nature and amount of each item in excess of \$50 entered to such account under the authority of this general license during such quarterly period. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 197; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941; E.O. 8963, December 9, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9346; Filed, December 12, 1941; 10:29 a. m.]

PART 131—GENERAL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

JAPANESE FOOD MARKETERS, DISTRIBUTORS, ETC.

General License No. 77 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

DECEMBER 11, 1941.

§ 131.77 General license No. 77. (a) A general license is hereby granted licensing any person engaged, prior to December 7, 1941, in the production, marketing or distribution of food products within the continental United

States and who is a national of Japan to engage in all transactions ordinarily incidental to the normal conduct of their business of producing, marketing or distributing food within the continental United States: Provided, however, That this general license shall not authorize:

- Any transaction which could not be effected without a license if such person were not a national of any blocked country.
- (2) Total payments, transfers or withdrawals from blocked accounts of any such person during any one week in excess of the average weekly payments from such account during the six months' period immediately preceding the date of this license, or
- (3) Any transaction by or on behalf of nationals of Japan who were not generally licensed nationals under General License No. 68 prior to December 7, 1941.
- (b) Any person engaging in business pursuant to this general license shall not engage in any transaction pursuant to this general license which, directly or indirectly, substantially diminishes or imperils the assets of such person within the continental United States or otherwise prejudicially affects the financial position of such person within the continental United States.
- (c) Any bank effecting any payment, transfer or withdrawal pursuant to this general license shall satisfy itself that such payment, transfer or withdrawal is being made pursuant to the terms and conditions of this general license.
- (d) Where any blocked account in a bank is debited in excess of \$500 per calendar month pursuant to this general license, such bank shall file with the appropriate Federal Reserve Bank a report for such calendar month setting forth the details of the transactions in such account during the calendar month. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941, E.O. 8963, December 9, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9347; Filed, December 12, 1941; 10:29 a. m.]

TITLE 32-NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUC-TION MANAGEMENT

SUBCHAPTER B-PRIORITIES DIVISION

PART 940—RUBBER AND PRODUCTS AND MA-TERIALS OF WHICH RUBBER IS A COM-PONENT

Supplementary Order No. M-15-b To Restrict the Use of Rubber

Whereas the further importation of crude rubber is imperiled:

Now, therefore, it is hereby ordered, | That:

§ 940.3 Supplementary Order No. M-15-b-(a) Definitions. For the purpose of this Order:

(1) "Rubber" means compounded liquid latex, and all forms and types of crude rubber and liquid latex in crude form, but does not include balata, gutta percha, gutta siak, gutta jelutong, pontianac, reclaimed rubber and scrap rubber.

(2) "Processor" means and includes any person processing or consuming

rubber.

- (3) "Person" means any individual, partnership, corporation or other form of business enterprise.
- (b) General restriction on the use of rubber. From the date of issuance of this Order until otherwise ordered by the Office of Production Management, no Processor shall consume, use or process any Rubber, except for any of the following purposes:
- (1) To fill orders assigned an A-3 or better Preference Rating.
- (2) To manufacture camelback in amounts not exceeding the minimum amounts specified in letter dated December 5, 1941 from the Director of Priorities to manufacturers of camelback.
- (3) To manufacture tire casings and tubes and other rubber products necessary for the manufacture, maintenance or repair of trucks or busses which require tires having a diameter of 7 inches or more.
- (4) To manufacture mechanical goods, hard rubber products and sponge rubber products for industrial equipment, maintenance and repair.

(5) To manufacture medical, surgical and druggists' supplies.

(6) To manufacture cements for the shoe trade, and heels made of black or brown composition rubber only and soles, taps and soling strips made of black composition rubber only.

(7) To fill orders for industrial rubber gloves, fabric-topped footwear made with black compounded rubber soles only, rubber boots and protective rubber clothing, galoshes with fabric tops and plain all rubber overshoes and galoshes.

(8) To manufacture plumbers' supplies.

(9) To manufacture articles for use in the canning and food packing industries.

(10) To manufacture compounds, for insulating wire and cable:

Provided, That, the use of rubber by each such person during any calendar month, beginning with the month of December 1941 in the manufacture or processing permitted by sub-paragraphs (3) to (10) inclusive shall not be at rates greater than the rates of consumption in the manufacture of similar items during November 1941 to fill purchase orders which were not assigned a Preference Rating of A-3 or better.

(c) General restriction on sales and shipments. Except to fill purchase orders

assigned an A-3 or better Preference Rating, from the date of issuance of this Order until Monday, December 22, 1941, no new automobile, truck, bus, or motorcycle, farm implement, or other type of casing or tube, shall be sold, leased, traded, delivered or transferred: Provided, That the foregoing prohibition shall not apply to tires which are sold as a part of new or used vehicles being sold and which are affixed to such vehicles at the time of their sale. And also, no person shall ship or permit to be removed from his plants, warehouses, or other places of storage, during any calendar month, beginning with the month of December 1941 quantities of any class or type of rubber goods other than tires at a rate in excess of the rates of shipment or removal of similar classes or types of rubber goods during the month of November 1941 to fill purchase orders not assigned a Preference Rating of A-10 or better, except for the purposes of filling purchase orders assigned a Preference Rating of A-10 or better.

(d) Violations. Any person who violates this Order may be deprived of priorities assistance or may be prohibited by the Office of Production Management from obtaining any further deliveries of materials subject to allocation. The Office of Production Management may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(e) Appeal. Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Office of Production Management by addressing a letter to the Rubber and Rubber Products Branch of the Division of Civilian Supply, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Office of Production Management may thereupon take such action as it deems appropriate.

(f) This Order supersedes the provisions of paragraph (c) (1) of General Preference Order M-15, as amended and supplemented and all letters issued pursuant to such paragraph (c) (1).

(g) Effective date. This Order shall take effect upon the date of its issuance. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3 amended, Sept. 2, 1941 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of December 1941.

J. S. Knowlson,

Acting Director of Priorities.

[F. R. Doc. 41-9348; Filed, December 12, 1941; 10:35 a. m.]

PART 992-LAUNDRY EQUIPMENT

Supplementary General Limitation Order L-6-a Further Restricting the Production of Domestic Laundry Equipment

In accordance with the provisions of § 992.1 (General limitation order L-6) which the following order supplements, It is hereby ordered, That:

Section 992.1 (b) (1), which now covers "the five months period from August 1 to December 31, 1941", is hereby amended to cover "the five months period from September 1, 1941 to January 31, 1942."

§ 992.2 Supplementary general limitation order L-6-a.

- (a) February restrictions. During the period beginning February 1, 1942 and ending February 28, 1942, (1) no Class A Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:
- (i) 7,800 units of such equipment, or (ii) 60% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.
- (2) No Class B Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:
- (i) 3,750 units of such equipment, or (ii) 65% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.
- (3) No Class C Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:
- (i) 1,140 units of such equipment, or (ii) 75% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.
- (4) No Class D Manufacturer shall produce more than 95% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.
- (b) Appeal. Any manufacturer who considers that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the Director of Priorities by means of a letter addressed to the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply, Ref: L-6-a, setting forth in such letter all facts pertinent to the appeal. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Ses-

Issued this 12th day of December 1941.

Donald M. Nelson,

Director of Priorities.

[F. R. Doc. 41-9350; Filed, December 12, 1941; 10:35 a. m.]

PART 1011-IRIDIUM

Conservation Order No. M-49 Curtailing the Use of Iridium and Iridium Alloys in the Manufacture of Jewelry

Whereas national defense requirements will create a shortage of Iridium (as hereinafter defined) for the combined needs of defense, private account, and export; and the supply of Iridium will be insufficient for defense and essential civilian requirements unless its use in the manufacture of jewelry is prohibited; and it is necessary in the public interest to promote the defense of the United States, to conserve the supply and direct the distribution of Iridium.

Now, therefore, it is hereby ordered,

§ 1011.1 General preference order No. M-49—(a) Restrictions on use of iridium in the manufacture of jewelry—(1) Prohibition against sale. After the effective date of this Order no Person shall sell or deliver (including deliveries under toll agreements) Iridium or Iridium Alloys to any Jewelry Manufacturer for use in the manufacture of jewelry.

(2) Prohibition against purchase. After the effective date of this Order no jewelry Manufacturer shall purchase or receive (including receipts under toll agreements) from any Person any Iridium or Iridium Alloys for use in the manufacture of jewelry.

(3) Prohibitions against use. After the effective date of this Order no Jewelry Manufacturer may use Iridium or Iridium Alloys in the manufacture of jewelry unless such use has been specifically authorized by the Director of Priorities.

(b) Miscellaneous provisions—(1) Priorities regulation No. 1.¹ This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 issued by the Director of Priorities on August 27, 1941, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) Appeal. Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Iridium or Iridium Alloys conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the Director of Priorities setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) Applicability of order. The prohibition and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract

made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of Iridium and Iridium Alloys in the production of any article, the limitation of such other Order shall be observed.

- (4) Violations or false statements. Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities, or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).
- (5) Reports. (i) After the effective date of this Order any Jewelry Manufacturer selling, transferring, delivering or otherwise disposing in any manner of Iridium or Iridium Alloys in his possession, or subject to his control, shall report such sale, transfer, delivery or disposition to the Office of Production Management, Ref: M-49, setting forth the name of the Person or Persons to whom such sale, transfer, delivery or disposition was made and the amount of Iridium or Iridium Alloys sold, transferred or delivered.
- (ii) All Persons affected by this Order shall execute and file with the Office of Production Management, upon forms hereafter to be prescribed, reports stating the stocks and inventories of Iridium and Iridium Alloys in their possession or subject to their control on January 1, 1942.
- (6) Correspondence and communication. All reports to be filed, appeals and other communications concerning this Order should be addressed to the Director of Priorities, Office of Production Management, Washington, D. C., Ref: M-49.

(7) Definitions. For the purpose of this Order:

 (i) "Iridium" means Iridium Metal in any form, including primary, secondary, and scrap

(ii) "Iridium alloy" means any mixture of metals containing more than onehalf of one percent of Iridium in form of sheet, wire, or semi-finished findings, or in any other form, including primary, secondary, and scrap.

(iii) "Jewelry manufacturer" means any Person who engages at any stage in the fabrication or production of materials or articles for use in or as personal ornaments, time pieces, trophies, exhibit pieces, and other similar ware and ornaments.

(iv) "Person" means and includes any individual, partnership, association, corporation, or other form of business enterprise.

¹⁶ F.R. 4489.

(8) Effective date. This Order shall take effect upon the 12th day of December, 1941, and shall continue in effect until November 30, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 12th day of December, 1941.

Donald M. Nelson,

Director of Priorities.

[F. R. Doc. 41-9349; Filed, December 12, 1941; 10:35 a, m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312-LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE NO. 54—DOUGLAS FIR
PEELER LOGS

Douglas fir peeler logs are the primary raw material in the manufacture of Douglas fir plywood. An earlier ceiling on peeler logs, incorporated in Price Schedule No. 13 with Douglas fir plywood, was in the form of a schedule establishing as maximum prices the prices prevailing on May 1, 1941. An interim amendment advanced the base date to prices prevailing on August 1, 1941. Subsequent investigation has made it possible to state maximum prices in dollars and cents terms.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.201 Maximum prices for Douglas fir peeler logs. On and after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer Douglas fir peeler logs to manufacturers of plywood, and no manufacturer of plywood shall buy, offer to buy, or accept delivery of Douglas fir peeler logs, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as section 1312.209.*

*§§ 1312.201 to 1312.209, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.202 Less than maximum prices. Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1312.203 Evasion. The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of peeler logs, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or by a tying agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in ef-

fect on August 1, 1941, or by any other means. If peeler logs are included in any shipment together with logs of other grades at a flat or average price, the percentage of peeler logs and the price therefor shall be separately stated in the invoice. Any attempt to secure a higher price for peeler logs by the device of charging a flat or average price which involves an unusual and excessive price for other grades included in the shipment shall be treated as an evasion of the Schedule. If peeler logs are sold "camp run," rather than on grades, the "camp run" price shall not exceed the maximum price for the logs if sold on grades.*

§ 1312.204 Records and reports. Every person who shall sell to a manufacturer of plywood, and every manufacturer of plywood who shall buy, 100,000 ft. log scale or more of Douglas fir peeler logs during any calendar month, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale, showing the date thereof, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of peeler logs (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.205 Enforcement. In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof: (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir peeler logs, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.206 Modification of the schedule. Persons complaining of hardship or inequity in the operation of this Schedule

may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; Provided, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1312.207 Definitions. When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Douglas fir" means the botanical species of Pseudotsuga taxifolia.

(c) "Douglas fir peeler log" means a Douglas fir log suitable for the manufacture, by rotary cutting, of Douglas fir plywood, whether it is actually so used or not.

(d) "Deliver" means to make physical transfer of logs to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser, to whom the logs have been sold.

(e) "District" means any one of four districts, as follows:

Puget Sound district, including all counties in the State of Washington lying west of the crest of the Cascade Mountains except those named in the Gray's Harbor and Columbia River districts:

Gray's Harbor district, including the counties of Gray's Harbor and Pacific in the State of Washington:

Columbia River district, including the counties of Wahkiakum, Cowlitz, Clarke, and Skamania in the State of Washington and Clatsop, Columbia, Washington, Clackamus, and Hood River in the State of Oregon;

Willamette Valley district, including all counties in the State of Oregon lying west of the crest of the Cascade Mountains except those named in the Columbia River district.

- (f) "Price" means the delivered price. including freight and commissions to wholesalers, commission salesmen, or others. The price in the Puget Sound district means the price delivered in the waters of Puget Sound; the price in the Gray's Harbor district means the price delivered in the waters of Gray's Harbor; the price in the Columbia River district means the price delivered in the waters of the Columbia River; and the price in the Willamette Valley district, means the price delivered at the factory of the buyer. When logs are sold out of one district for delivery in another, the maximum prices and the grades shall be those of the district in which the buyer takes possession of the logs.
- (g) "Peeler grade," "No. 1 selected for peeling," "No. 2 selected for peeling," and "core" shall mean such grades as understood between buyer and seller in the particular district on August 1, 1941.*
- § 1312.208 Effective date of the schedule. This Schedule shall become effective on December 20, 1941.*

§ 1312.209 Appendix A — Maximum delivered prices per M. ft. l. s.

Puget Sound district: No. 1 log selected for peeling, mini-	
mum diameter 30"	\$40.00
No. 2 log selected for peeling, mini-	35.00
mum diameter 30"	
Core log. minimum diameter 26"	27.00
Gray's Harbor district:	
Peeler grade, minimum diameter	
36"	41.00
No. 1 log selected for peeling, mini-	
mum diameter 30"	33.00
No. 2 log selected for peeling, mini-	
mum diameter 26"	25.00
Columbia River district:	
No. 1 log selected for peeling, mini-	
mum diameter 30"	37. 50
	01.00
No. 2 log selected for peeling, mini-	22 24
mum diameter 30"	31.50
Core log	24.00
Willamette Valley district:	
and the second programme and the second seco	ACCOUNT OF STREET

To obtain maximum prices for Willamette Valley district, take prices given above for Columbia River district, and subtract therefrom the transportation costs which would have been applicable to the shipment had it moved from the logger's loading-out point to the Columbia River market, and then add transportation costs from logger's loading-out point to the plant of the buyer: Provided, That regardless of the actual result of such computation, the prices for the Willamette Valley district shall in no event exceed the prices given above for the Columbia River district.

Issued this 12th day of December 1941. Effective December 20, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9373; Filed, December 12, 1941; 12:14 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS
PRICE SCHEDULE NO. 53—FATS AND OILS

The outbreak of war has disrupted trade in certain fats and oils with the result that normal price relationships are disturbed and inflationary price increases threaten to develop. Supplies of domestic fats and oils are substantial, and no serious shortage for defense or civilian requirements is in prospect. Nevertheless, because of recent speculative activity, the danger of serious inflation and price spiraling has made it imperative to issue immediately a Schedule temporarily establishing maximum prices. Because of the interchangeability of fats and oils it is necessary that maximum prices be established for all fats and oils. To effect this purpose of price stabilization it is necessary to limit prices to those which preceded the recent speculative and sharp rise in prices which distorted the normal price relationship between the various fats and oils. The date of November 26, 1941, when the closing price of the December future for cottonseed oil on the New York Produce Exchange was 12.50¢ per pound best accomplishes this purpose.

Should unwarranted price rises occur at stages of distribution not covered in this Schedule, appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.151 Maximum prices for fats and oils. (a) On and after December 13, 1941, no person shall sell, offer to sell, deliver or transfer fats or oils, and no person shall buy, offer to buy, or accept delivery of fats or oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941, providing for a price higher than the maximum prices, may be carried out at the contract price. The maximum prices shall include commissions and all other charges.

(b) For any kind, grade or quality of fat or oil the maximum shipping point price shall be the highest shipping point price at which the seller sold, on November 26, 1941, such kind of fat or oil of approximately the same grade, quality and amount to a similar purchaser for nearby delivery. The maximum delivered price shall be this maximum shipping point price plus actual transportation costs.

(c) In the event that the maximum price cannot be determined under subsection (b) above, the maximum shipping point price shall be determined as follows:

(1) When the sales price per pound, exclusive of transportation charges, in the seller's most recent sale between October 1, 1941, and November 26, 1941, for nearby delivery to a similar purchaser, of approximately the same kind, grade, quality and amount, exceeded the December future price of cottonseed oil on the day of such sale, the maximum shipping point price shall be 12.50 cents plus the number of points by which such sales price, exclusive of transportation charges, exceeded such future price; or

(2) When the sales price per pound, exclusive of transportation charges, in the seller's most recent sale between October 1, 1941, and November 26, 1941, for nearby delivery to a similar purchaser of approximately the same kind, grade, quality and amount, was less than the December future price of cottonseed oil on the day of such sale, the maximum shipping point price shall be 12.50 cents minus the number of points by which such sales price, exclusive of transportation charges, was less than such future price.

(d) In the event that the maximum price cannot be determined under either subsection (b) or (c) above, the maximum shipping point price shall be the highest price for which approximately the same kind, grade, quality and amount of such fat or oil was purchased by the purchaser from any other seller on November 26, 1941. The maximum deliv-

ered price shall be this maximum shipping point price plus actual transportation costs.

(e) In all other cases, the maximum prices shall be the market price for such product of the same kind, grade, quality, amount and type of purchaser on November 26, 1941.

(f) The above prices shall be the maximum prices for all transactions except for cottonseed oil and lard futures contracts traded on the New York Produce Exchange and the Chicago Board of Trade, respectively. For such contracts the maximum prices shall be the closing prices on these Exchanges as of November 26, 1941, for all the months then traded in as follows:

Cottonseed oil

For delivery	during	1941:	Cents	per	pound
December .					12.50
1942:					
January					12.47
February					12.47
					12, 49
April					12.49
May					12.50
June					12.50
July					12.53
	Lar	d, Chic	ago		

For delivery during 1941:

December 9.77

1942:

January 9.95

March 11.32

May 11.52

July 11.72

*§ 1351.151 to 1351.158, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.152 Less than maximum prices. Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1351.153 Records and reports. Any person receiving or delivering fats or oils on and after December 13, 1941, under any contract entered into previous thereto at prices higher than the maximum prices established by the Schedule shall report such delivery or receipt to the Office of Price Administration within ten days thereof stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) the date of delivery or receipt; and (d) the price. quantity, and description of the product sold. A transaction involving the transfer of less than \$250.00 need not be reported.

Every person making any purchase or sale of fats or oils on and after December 13, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase and sale amounting to \$500.00 or more, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality, and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.154 Modification of the schedule. Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: Provided, That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1351.155 Enforcement. In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices. or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of fats or oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.156 Evasion. The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of fats or oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on November 26, 1941, or by any other means.*

§ 1351.157 Definitions. When used in this Schedule, the term:

- (a) "Person" means an individual, partnership, association, corporation, or other business entity dealing in fats or oils.
- (b) "Fats and oils" means all fats and oils, whether raw, crude, or refined (including olive oil and lard) sold in tank cars, drums, tierces, and sacks, except "essential", mineral and chemical oils, butter, and finished fats and oils products not specified above.
- (c) "December future price of cottonseed oil" means the closing price of the December future contract calling for delivery in December of bleachable prime summer yellow cottonseed oil as established on the New York Produce Exchange.

(d) "Points" means the number of hundredths of one cent per pound.

(e) "Nearby delivery" means delivery not more than sixty days, after the date upon which the contract was entered into, except, where, by well established custom, the term is used to describe deliveries within a somewhat longer period.*

§ 1351.158 Effective date of the schedule. This Schedule shall become effective on December 13, 1941.*

Issued this 12th day of December 1941.

LEON HENDERSON,

Administrator.

[F. R. Doc. 41-9374; Filed, December 12, 1941; 12:15 p. m.]

TITLE 46-SHIPPING

CHAPTER I—BUREAU OF MARINE IN-SPECTION AND NAVIGATION

SUBCHAPTER A — DOCUMENTATION, EN-TRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 177]

PART 1-DOCUMENTATION OF VESSELS

DECEMBER 12, 1941.

Section 1.18 (a) is amended to read as follows:

§ 1.18 Evidence as to marking official number, etc. (a) Marine documents will not be issued until proper evidence is produced that the official number and net tonnage have been marked upon the vessel's main beam, and that her name has been marked upon both sides of her bow and her name and hailing port have been marked upon her stern as required by law (Commerce Form 1322): Provided, however. That during the period when a state of war exists between the United States and any foreign nation, marine documents may be issued although the vessel's name has not been marked upon both sides of her bow and her name and hailing port have not been marked upon the stern, because of orders from the Army, Navy, or Maritime Commission. (R.S. 161; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

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[F. R. Doc. 41-9355; Filed, December 12, 1941; 11:21 a. m.]

[Order No. 178]

PART 6-COASTWISE PROCEDURE

DECEMBER 12, 1941.

§ 6.11 Fishing vessels touching and trading at foreign places is amended to read as follows:

§ 6.11 Fishing vessels touching and trading at foreign places. (a) No vessel enrolled and licensed or licensed to carry on the fisheries shall touch and trade at a foreign port or place unless it has a permit to touch and trade. Such a permit (Commerce Form 1379) must be obtained from a collector of customs. Any such vessel which puts into a foreign port or place and obtains only bunkers and such sea stores, ship stores, and supplies as are suitable for a fishing voyage, is not touching and trading at a foreign port or place.

(b) In all cases where a vessel enrolled and licensed or licensed for the fisheries has put into a foreign port or place, the master of said fishing vessel, upon its return to a port in the United States, must report its arrival, make entry, and otherwise conform in all respects to the statutes and regulations prescribed for vessels arriving from a foreign port. In every case where a permit to touch and trade has been issued, it must be surrendered upon the first return of the vessel to a port or place in the United States to the nearest collector of customs.

(c) A permit to touch and trade for the purpose of touching at a foreign port or place may not be issued to a vessel licensed for the "coasting trade and mackerel fishery" which is departing on a voyage to engage exclusively in trade. In such a case the vessel must secure a certificate of registry and obtain clearance for the foreign port or place.

(d) Any vessel enrolled and licensed or licensed to carry on the fisheries which touches and trades at a foreign port or place without having a permit to touch and trade shall, with its cargo, be forfeited. (R.S. 161; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9364; Filed, December 12, 1941; 11: 41 a. m.]

CHAPTER II—UNITED STATES MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING
MARITIME CARRIERS

PART 222—STATEMENTS AND AGREEMENTS REQUIRED TO BE FILED

Participation in Section 15 Agreements of Nationals of Countries at War With the United States

Whereas pursuant to the requirements of Section 15 of the Shipping Act, 1916, as amended, agreements have been filed with the Commission, and have received approval in accordance with the provisions of that section; and

Whereas the national interests of the United States so require,

It is ordered, That:

§ 222.17 Elimination from agreements of nationals of enemy countries. Immediately upon the existence of a state of war between the United States and any country, the parties to each of said agreements now in effect, any provisions thereof to the contrary notwithstanding, shall eliminate forthwith from membership and/or participation in

every such agreement all nationals, and/or their agents or representatives, of said country. (Sec. 15, 39 Stat. 733; 48 U.S.C. 814)

By Order of the United States Maritime Commission.

[SEAL]

W. C. PEET, Jr. Secretary.

[F. R. Doc. 41-9370; Filed, December 12, 1941; 11:46 a. m.]

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT OF WAR-RANT OFFICERS (JUNIOR GRADE)

The notice of examination for appointment as warrant officer (junior grade), published in the Federal Register, December 2, 1941, as amended, is further amended as follows:

At the end of subparagraph 3 (a) add the words "on December 15, 1941."

At the end of subparagraph 5 (a) add the following sentence: "Preliminary boards should consist of experienced officers of not less than 5 years' active service, except that the president of the board should be a field officer of not less than 15 years' active service."

Paragraphs 6 to 8, inclusive, are renumbered 7 to 9, inclusive, and a new paragraph 6 is added as follows:

6. Qualifications of applicants. Preliminary boards will assure themselves that the applicants selected for further consideration possess the necessary educational and technical qualifications. In addition to the educational qualification of being a high school graduate or the equivalent thereof, the applicant should, if practicable, be a graduate of the branch technical school relevant to the classification in which he seeks appointment. As a guide in the selection of applicants, the following are offered as suggestions to assist preliminary boards in making selections:

MINIMUM QUALIFICATIONS TO BE REQUIRED BY PRELIMINARY EXAMINING BOARDS IN WARRANT OFFICERS' EXAMINATION SCHED-ULED TO BE HELD BY POST BOARDS, JANU-ARY 5-17, 1942

(a) In each of the following warrant officer tests, the prospective applicant should offer evidence that he has relevant military experience of at least 6 months and preferably 1 year in the specific subject matter in which he offers his application for examination:

Administrative

1. Clerical: General.

2. Clerical: Machine records.

¹6 F.R. 6152. ⁸6 F.R. 6311.

No. 242-4

5. Clerical: Judge Advocate General's Department.

6. Fiscal.

7. Supply: General.
8. Supply: Air Corps.

9. Supply: Signal Corps. 10. Supply: Medical.

11. Supply and clerical: Ordnance.

Technician Specialist

14. Aviation: Lighter-than-air.

16. Aviation: Armament.

18. Construction and utilities: Quartermaster.

19. Construction and utilities: Engineer.

23. Munitions: Ordnance, armament machinist.

24. Munitions: Coast artillery.

25. Munitions: Ordnance, ammunition.

26. Munitions: Chemical warfare.

27. Signal communication: General,

28. Signal communication: Air Corps.

29. Signal communication: Field artillery.

30. Tank.

31. Signal communication: Cryptographic.

(b) In each of the following warrant officer tests, the prospective applicant should offer evidence of formal school training (at least one course), either in or out of the Army, in the specific subject matter in which he offers his application for examination.

Administrative

3. Clerical: Auditing and accounting.

Technician specialist

12. Aviation: Weather.

13. Aviation: Photography.

17. Aviation: Bombsight.22. Topographic: Corps of Engineers.

(c) In each of the following warrant officer tests, the prospective applicant should offer evidence that he has trade experience of at least 6 months, either in or out of the Army, in the specific subject matter in which he offers his application for examination:

Administrative

4. Typing and dictation.

Technician specialist

15. Aviation: Engineering.

20. Motor transport: General.

21. Motors: Ordnance.

(Act of August 21, 1941, Public Law 230, 77th Congress) [Cir. 237, W.D., Nov. 17, 1941, as amended by Cir. 248, W.D., Dec. 4, 1941 and Cir. 250, W.D., Dec. 9, 1941]

[SEAL]

E. S. ADAMS, Major General, The Adjutant General.

[F. R. Doc. 41-9345; Filed, December 12, 1941; 9:59 a, m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-915]

PETITION OF WILSON MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS WILSON (STRIP) MINE, MINE INDEX NO. 457

ORDER DISMISSING PETITION

An original petition, pursuant to the Bituminous Coal Act of 1937, having been filed with the Division, by the abovenamed party, for the establishment of price classifications and minimum prices for the coals of its Wilson (Strip) Mine, Mine Index No. 457, in District No. 2; and

The Director, by a communication of August 23, 1941, having informed the above-named party that its petition was not in proper form for consideration as a petition duly filed pursuant to section 4 II (d) of the Act, and no further communication having been received from the above-named party; and

District Board No. 2 having duly filed a petition in Docket No. A-935 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2, including the said Mine Index No. 457; and

The Acting Director by his Order of July 28, 1941, in Docket No. A-935, having established, among other matters, price classifications and minimum prices for the coals of Mine Index No. 457, as prayed for in the petition therein; and

It appearing, accordingly, that in view of the foregoing circumstances the original petitioner has no further interest in the above-entitled matter;

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is, dismissed, without prejudice

Dated: December 11, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-9351; Filed, December 12, 1941; 11:05 a. m.]

[Docket Nos. B-80, 1832-FD]

IN THE MATTERS OF SOUTHERN COAL COM-PANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 8561, RESPONDENT

ORDER POSTPONING HEARINGS

The above-entitled matters having been scheduled for hearings on December 17, 1941, at 10 o'clock a. m. in a hearing room of the Bituminous Coal Division in Room 245, U. S. Court House, Nashville, Tennessee; and

It appearing to the Acting Director that it is advisable to postpone said hear-

Now, therefore, it is ordered, That the hearings in the above-entitled matters

be, and the same hereby are, postponed from 10 o'clock a.m. on December 17, 1941, to a date and place to be hereafter designated by an appropriate Order.

Dated: December 11, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-9352; Filed, December 12, 1941; 11:05 a. m.]

[Docket Nos. A-1174, A-1175]

PETITIONS OF RIMERSBURG COAL MINING CO., INC., A CODE MEMBER IN DISTRICT NO. 1, FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT AT REIDSBURG, PENNSYLVANIA, ON THE NEW YORK CENTRAL RAILROAD; AND FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT AT KAYLOR, PENNSLYVANIA, ON THE WESTERN ALLEGHENY RAILROAD

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

Petitions pursuant to the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party, and it appearing that these petitions present analogous issues:

It is ordered, That the above-entitled matters be, and they hereby are, consolidated.

It is further ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on January 13, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of

the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 8, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to making the minimum prices and price classifications effective for coals produced at the Fox Mine (Mine Index No. 2989) of the Rimersburg Coal Mining Co., Inc., for rail shipments from Sligo, Pennsylvania, on the Pennsylvania Railroad, applicable to rail shipments from Kaylor, Pennsylvania, on the Western Allegheny Railroad and from Reidsburg, Pennsylvania, on the New York Central Railroad.

Dated: December 11, 1941.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 41-9353; Filed, December 12, 1941; 11:05 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Application filed

Name and address

E. R. Ellington, Warrior, Ala.... Dec 1, 1941 James B. Shepherd, 2433 N. Delaware St., Indianapolis, Ind.... Dec 2, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before January 12, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: December 11, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-9354; Filed, December 12, 1941; 11:06 a. m.]

DEPARTMENT OF AGRICULTURE

Surplus Marketing Administration.

DETERMINATION PURSUANT TO SECTION 608c (9) AND (17) TITLE 7, U.S.C., WITH RESPECT TO THE ISSUANCE OF ORDER NO. 44, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE QUAD CITIES MARKETING AREA 1

Grover B. Hill, Acting Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective February 1, 1940, Order No. 44, regulating the handling of milk within the area defined in said order and referred to therein as the Quad Cities marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on December 14, 1939, a marketing agreement regulating the handling of milk in the Quad

Cities marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Quad Cities marketing area would tend to effectuate the declared policy of said act, notice was given, on September 4, 1941, of a public hearing, which was held in Rock Island, Illinois, on September 11, 1941, on certain proposals to amend such marketing agreement and such order, and at such time and place all interested parties were afforded an opportunity to be heard on such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on November 19, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Quad Cities marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Quad Cities marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Order No. 44, as amended, is the only practical means pursuant to such policy of advancing the

¹ See also title 7—Agriculture; Chapter IX—Surplus Marketing Administration, supra.

interests of the producers of milk which is produced for sale in the Quad Cities marketing area; and

3. The issuance of Order No. 44, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of July 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 6th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

CLAUDE R. WICKARD, Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated: December 8, 1941.

[F. R. Doc. 41-9365; Filed, December 12, 1941; 11:42 a. m.]

DETERMINATION PURSUANT TO SECTION 608C
(9) AND (17), TITLE 7, U.S.C., WITH
RESPECT TO THE ISSUANCE OF ORDER NO.
12, AS AMENDED, REGULATING THE HANBLING OF MILK IN THE DUBUQUE, IOWA,
MARKETING AREA 1

H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective June 16, 1939, Order No. 12, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing

H. A. Wallace, Secretary of Agriculture, tentatively approved, on May 19, 1939, a marketing agreement, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area would tend to effectuate the declared policy of said act, notice was given, on September 4, 1941, of a public hearing which was held in Dubuque, Iowa, on September 9, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on November 15, 1941, of a marketing agreement, as amended, regulating the handling of milk in the

Dubuque, Iowa, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Dubuque, Iowa, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Order No. 12, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Dubuque, Iowa, marketing area; and

3. The issuance of Order No. 12, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of July 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 6th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD, Secretary of Agriculture.

Approved:

Franklin D Roosevelt
The President of the United
States.

Dated: December 8, 1941.

[F. R. Doc. 41-9369; Filed, December 12, 1941; 11:43 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE CHEMICAL AND RELATED PRODUCTS IN-DUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Secretary of Labor has presently before her for the purpose of determining the prevailing minimum wage under section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), hereinafter called the Act, the complete record in the above-entitled matter including the transcript of hearing, the findings and recommendations of the Public Contracts Board, arrived at on the basis of the evidence presented at the hearing and briefs and communications filed pursuant thereto.

The Chemical and Related Products Industry is defined for the purposes of the proceeding to be that industry which manufactures A. (1) heavy, industrial, and fine chemicals, including among others compressed and liquefied gases, and insecticides and fungicides, and (2) the by-products of the foregoing; and B. the manufacture of such commodities as bluing; bone black, carbon black, and lampblack; cleaning and polishing preparations (except paint and varnish remover, furniture and floor wax and polish, and soap), muclage, paste, and other adhesives. Omitted from the scope of the definition of this industry are: Fertilizer; Drugs and Medicines; Ammunition; Explosives; Fireworks; Paints, pigments, varnishes and lacquers; and Soap, which have been accorded separate treatment by the Secretary.

Copies of the Board's recommendations may be had on request addressed to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C.

The Secretary of Labor proposes on or after December 29, 1941 to find that the prevailing minimum wages in the chemical and related products industry, within the meaning of section 1 (b) of the Act, are 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece work basis for the states of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and 50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piece work basis for the remaining states of the United States.

The Secretary in support of the proposed minimum wage determination will find, unless reason is shown to the contrary, that there is a general similarity in wage structure throughout the states in each of the proposed groupings; that there is a wide spread in the minimum wages paid in the plants of each state; and that the minimum which is most generally paid to employees very closely approximates 50 cents in the states of one group and 40 cents in the states of the other.

The Secretary will point out that the proposed determination in this case is fortified by the fact that in practically all of the states in each group more than 50 percent of the plants have a minimum wage as high or higher than the proposed minimum and that these high paying plants employ more employees than those paying as a minimum wage less than the proposed minimum,

Notice is hereby given to all interested parties of the opportunity to show cause, on or before December 29, 1941 why the Secretary of Labor should not determine the prevailing minimum wages in the Chemical and Related Products Industry to be

(1) 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time

¹See also title 7, Agriculture; Chapter IX—Surplus Marketing Administration, *supra*.

or piece work basis, for the states of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and

(2) 50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piece work basis, for the remaining states of the United States.

The proposed determination shall be effective and the minimum wages therein established shall apply to all contracts bids for which are solicited or negotiations otherwise commenced on or after the date specified therein, subject to the provisions of the afore-mentioned Act of June 30, 1936, for the manufacture and supply of the products of the Chemical and Related Products Industry.

Briefs for or against the proposed determination must be filed with the Administrator, Division of Public Contracts, Department of Labor, on or before December 29, 1941. No form for the brief is prescribed, but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: December 11, 1941.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-9363; Filed, December 12, 1941; 11:37 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 812-242]

IN THE MATTER OF THE PENNSYLVANIA-BRADFORD COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of sections 6 (c) and 17 (b) of the Investment Company Act of 1940 for an order granting an exemption from the provisions of Section 17 (a) of said Act so as to permit the sale by the applicant of 7,410 shares of common stock of Bradford Producing Company and 648 shares of common stock of The Sloan & Zook Company at public auction to be held on December 19, 1941, at 3:15 P. M., at the office of J. M. Askin & Co., auctioneers, 301 Columbia Building, 248 Fourth Avenue, Pittsburgh, Pennsylvania, to the highest bidder who may be an affiliated person of applicant.

It is ordered, That a hearing on the aforesaid application be held on December 16, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington,

D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

Francis P. Brassor, Secretary.

[F. R. Doc. 41-9356; Filed, December 12, 1941; 11:36 a. m.]

[File No. 70-454]

IN THE MATTER OF CONTINENTAL GAS & ELECTRIC CORPORATION AND IOWA-NE-BRASKA LIGHT AND POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of December, A. D. 1941.

Notice is hereby given that a combined declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than December 19, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary. Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which is on file in the Office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Continental Gas & Electric Corporation proposes to purchase \$544,000 principal amount 5% First Mortgage Bonds of The Lincoln Traction Company (a Delaware corporation and wholly-owned subsidiary of Continental) from Iowa-Nebraska Light and Power Company for the consideration of \$275,000 cash.

These bonds were outstanding in the principal amount of \$800,000 when they matured January 1, 1939, but funds sufficient to retire the entire amount were not then available. As of December 30, 1940, they were reduced in principal amount to \$624,000, by a payment on principal of \$176,000 applied pro rata to each of the bonds outstanding. Subsequent to October 31, 1941, a further payment on principal in the amount of \$80,000 (likewise applied pro rata to each of the bonds), reduced the principal amount outstanding to \$544,000. Iowa-Nebraska owned the entire amount outstanding when each of the above payments was made. Continental owns the entire capital stock of Iowa-Nebraska.

Continental desires to acquire the bonds in order that all of the outstanding securities of Lincoln Traction Company will be owned directly by it, facilitating the contemplated disposition of its interest in Lincoln when a suitable buyer either for the properties or the securities can be found. The proposed acquisition is part of a general program to simplify the capital structure of the Continental Gas & Electric Corporation holding-company system.

The parties desire to consummate the transaction within the present calendar year and have requested that the filing be made effective by order of the Commission entered December 22, 1941, the fifteenth day after the filing date.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9357; Filed, December 12, 1941; 11:39 a. m.]

[File No. 70-458]

IN THE MATTER OF OGDEN CORPORATION AND LITCHFIELD AND MADISON RAILWAY COM-PANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 23, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations pro-

mulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized

below:

Litchfield and Madison Railway Company proposes to sell at public auction in the City of Chicago, Illinois its holdings of 5,350 units of beneficial interest, no par value, of Utilities Realty Liquidation Trust. It is proposed that this sale will take place prior to the close of the calendar year 1941.

Ogden Corporation proposes to enter a bid at said auction to purchase the 5,350 units of beneficial interest of Utilities Realty Liquidation Trust at a price

of \$26,750.

The declaration and application recites that the companies consider sections 9 (a) and 12 (f) of said Act and Rule U-45 promulgated thereunder as being applicable to such transactions.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9358; Filed, December 12, 1941; 11:36 a. m.]

[File No. 54-30]

IN THE MATTER OF OGDEN CORPORATION. CENTRAL STATES UTILITIES CORPORATION, CENTRAL STATES POWER & LIGHT CORPO-RATION, AND CENTRAL STATES PRODUC-TION CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF PLAN FOR REORGANIZATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of December, A. D. 1941.

Ogden Corporation, a registered holding company, and Central States Utilities Corporation, Central States Power & Light Corporation and Central States Production Corporation, which are subsidiaries thereof, having filed a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 providing for the simplification of the Ogden Corporation holding company system through the reorganization of Central States Power & Light Corporation and the elimination of Central States Utilities Corporation, Central States Production Corporation and Utilities Oil Production Corporation from the Ogden Corporation holding company system; and

The parties above-named having filed a subsequent plan under section 11 (e) contemplating the liquidation of Central States Power & Light Corporation rather than the reorganization thereof, and having requested the withdrawal of the plan hereinbefore described; and

It appearing that such request should be granted:

It is ordered, That consent be, and hereby is given, to such withdrawal.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9359; Filed, December 12, 1941; 11:37 a. m.l

[File No. 1-1611]

IN THE MATTER OF GEORGIA MARBLE COM-PANY 6% FIRST MORTGAGE SINKING FUND GOLD BONDS DUE 1950

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of December, A. D. 1941.

The Georgia Marble Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its 6% First Mortgage Sinking Fund Gold Bonds due 1950, from listing and registration on the Baltimore Stock Exchange: and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 22, 1941.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9360; Filed, December 12, 1941; 11:37 a. m.]

[File No. 1-563]

IN THE MATTER OF CHARLES A. KAUFMAN COMPANY, LTD., COMMON CAPITAL STOCK, PAR VALUE \$50

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of December, A. D. 1941.

The Charles A. Kaufman Company, Ltd., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Capital Stock, Par Value \$50, from listing and registration on the New Orleans Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 26, 1941.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9361; Filed, December 12, 1941; 11:37 a. m.]

[File No. 70-4341]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY, AND OHIO RIVER POWER COM-

ORDER CONSENTING TO WITHDRAWAL OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of December A. D. 1941.

The Commission having heretofore on November 13, 1941, issued its Notice Regarding Filing Subject to Rule U-23 concerning a filing of a declaration and an application by Ohio River Power Company and Central U. S. Utilities Company, said filing being concerned, among other things, with a proposed transfer by Ohio River Power Company of all its assets to Central U.S. Utilities Company in consideration of the return to Ohio River Power Company for cancelation of all of its common stock and the assumption by Central U.S. Utilities Company of all of the liabilities of Ohio River Power Company; Central U. S. Utilities Company thereupon proposing to sell the physical assets formerly belonging to Ohio River Power Company, consisting of electric public utility facilities located in Tell City and Cannelton, Indiana, to the municipalities of Tell City and Cannelton, Indiana, for an aggregate consideration of \$600,000;

Said Notice Regarding Filing Subject to Rule U-23 further indicating that any person might, not later than November 29, 1941, at 1:15 p. m. E. S. T., request that a public hearing be held on such filing or that the Commission notify him should such a hearing be ordered; no such request having been received within the prescribed period by this Commission:

Central U. S. Utilities Company and Ohio River Power Company now having requested a withdrawal of said pending filing; and the Commission having considered the appropriateness of granting such request;

It is therefore ordered, That said request of Central U.S. Utilities Company and Ohio River Power Company be, and the same hereby is, granted.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9362; Filed, December 12, 1941; 11:39 a. m.]

